

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19763 of 2018

Arising Out of PS. Case No.-296 Year-2017 Thana- SURSAND District- Sitamarhi

Raj Kumari Devi W/o Ramashrya Mahto, R/o Village- Radhaur, P.S.-
Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 363,366A and 372/34 of the IPC.

The prosecution case got initiated with the written report of Brijnandan Mahto dated 12.11.2017, to the effect that on 9.11.2017 the informant's daughter went to the neighbour's house but she did not return. Thereafter, search was made and the informant came to know that his daughter Pooja Kumar was seen near the house of co-villager Bindeshwari Mahto. The wife of the informant went to his house, no satisfactory reply was given. Thereafter, search was made at the places from different relatives but the daughter of the informant was not found there. Since the informant was at Calcutta on the date of occurrence,



returned on 11.11.2017 and lodged the FIR when Bindeshwari Mahto after pressure, accepted that the daughter of the informant, namely, Pooja went with his son namely Rajeev Mahto. Though Bindeshwari Mahto allowed the informant to talk to his son Rajeev but he did not disclose much, thereafter, it was found that the FIR named accused persons including the petitioner were involved in the kidnapping of the informant's daughter in order to forcing her for immoral trafficking.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement thought the victim has stated that she met several persons including the petitioner but she alleged that co accused Bindeshwari Mahto and Sanjay Tiwari made her smell some sedative, as a result she fell unconscious and thereafter she found herself in a closed room. The impugned order suggests that the doctor found the victim aged about 18 to 19 years. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is accusation against the petitioner.

Considering the thrust of accusation against the son of Bindeshwari Mahto, namely, Rajeev Mahto and the victim has not said any incriminating things against the petitioner coupled



with the fact that the victim of her own returned which creates doubt about the bonafide of the occurrence and for the occurrence of 9.11.2017 the FIR was registered on 12.11.2017, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in connection with Sursand P.S. Case No. 296 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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