

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16171 of 2018

Arising Out of PS.Case No. -190 Year- 2017 Thana -UCHAKAGAON District- GOPALGANJ

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1. Baby Devi, wife of late Jagdish Mahto, Daughter of Adalat Mahto,
2. Dilip Mahto, Son of Adalat Mahto,
3. Rekha Devi, Wife of Rakesh Mahto, Daughter of Adalat Mahto,

All are residents of Village- Arna, Police Station- Uchakagaon, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-04-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Uchakagaon P.S.**

Case No. 190 of 2017 instituted for the offence under Sections 323, 324, 364, 366 and 504 of the Indian Penal Code.

The victim girl on her recovery has given statement under Section 164 Cr. P.C. which is available in the case diary wherein she has stated her age as 17 years and the court has assessed her age to be 18 years.

In the statement of the victim girl recorded under Section 164 Cr. P.C. she has stated that she had gone with petitioner No. 3 in *Mela*. Thereafter, she was sent to Assam. She returned to her house in any manner after living in Assam for three days.

In this manner, the victim girl has not levelled any specific



allegation of overt act against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Uchakagaon P.S. Case No. 190 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-IX, Gopalganj**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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