

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57383 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. MANOJ MAHTO @ MANOJ KUMAR, Son of Bhadai Mahto,
2. Mosmat Anu Devi, Wife of Late Dilif Mahto, Both are resident of
Village- Maguraha, P.S.- Gaunaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Gaunaha P.S. Case No. 51 of 2017 instituted for the offence under Sections-376, 315, 511/34 of the Indian Penal Code and Section-4 of POCSO Act.

It has been submitted on behalf of the petitioners that in the written report itself, there is specific allegation of committing illegal act with the informant against co-accused Durgesh Kumar on the pretext of performing marriage with her.

In the written report, there is allegation that these petitioners gave medicine to the informant for abortion. The statement of victim girl has been recorded u/S 164 Cr.P.C. which is annexed as Annexure-2 wherein the victim girl has stated that accused persons attempted to give medicines but she did not take medicine.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Gaunaha P.S. Case No. 51 of 2017 to the satisfaction of learned A.D.J.-Ist, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioners 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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