

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12590 of 2018

Arising Out of PS.Case No. -534 Year- 2017 Thana -MARHAURA District- SARAN

- =====
1. Dharmnath Prasad @ Dharmnath Mahto @ Dharamnath Prasad
 2. Mukesh Mahto
- Both 1 and 2 are sons of Radhe Krishna Prasad @ Radhe Kirshna Mahto
3. Radhe Krishna Prasad @ Radhe Krishna Mahto, son of Late Pathlu Mahto.
 4. Ganpatiya Devi @ Ganpati Devi, wife of Radhe Krishna Prasad @ Radhe Krishna Mahto
- All are resident of village-Bardahiya Piparpanti, P.S.-Marhaura, District-Saran at Chapra.

.... Petitioners

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Marhaura P.S. Case No. 534 of 2017 registered under Sections 363 and 366A of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that even if the entire allegations made in the first information report would be accepted on its face value, none of



the ingredients of the offences punishable under Section 363 and 366A of the Indian Penal Code would be attracted against the petitioners. It is further submitted that it would be manifest from the first information report itself that the daughter of the informant eloped with son of petitioners no.1 and 4 and when a complaint was registered with them, they took no action.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners. He submitted that being family members, they are also responsible for the conduct of the Ajay Kumar with whom the girl of the informant eloped. He submitted that the petitioners do not deserve bail as the victim is still traceless.

I have heard learned counsel for the parties and perused the record.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Marhaura P.S. Case No. 534 of 2017



subject to the conditions as laid down under Section 438(2) Cr.
P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

