

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61839 of 2018

Arising Out of PS. Case No.-293 Year-2018 Thana- SITAMARHI District- Sitamarhi

Shubh Narain Mahto, Son of Late Ram Prasad Mahto @ Prasadi Mahto,
Resident of Village- Kanhauli, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363,366 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 19.03.2018 submitted by Priyanka Kumari, to the Station House Officer, Sitamarhi Police Station to the effect that on 18.03.2018, the informant's sister-in-law Khushbu Kumari, daughter of Hari Shankar Prasad went to attend training at Sudha Beauty Parlor, but she did not return. On enquiry being made from beauty parlor, it was found that she left the beauty parlor at 6.30 P.M.. Hence, suspicion was raised against the father and other family members of the victim, including the



petitioner, who happens to be maternal uncle (Fufa) of the victim.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of serious litigating relationship between the parties. It is further submitted that the mother of the victim, Kiran Kumari, died in the year 1997, leading to registration of Sitamarhi (Mehsaul O.P.) P.S. Case No.49 of 1997 against the petitioner and others, including the father of the victim Harishankar Prasad, with accusation of killing of Kiran Devi, wherein, the petitioner and the other accused persons have been acquitted. After death of mother of the victim, the father of the victim performed second marriage with one Anjali Devi, but the victim and his brother Vidya Bhushan Prasad were not happy with this marriage. Subsequently, Vidya Bhushan Prasad was made accused in a case being Kadamkuan P.S. Case 375 of 2017 for alleged abduction of Vivek Kumar, levelling accusation under Sections 363, 365 of the Indian Penal Code. Since Vidya Bhushan Prasad came in company of some anti-social elements which was protested by his father, leading to registration of Sitamarhi P.S. Case No. 951 of 2014, levelling accusation under Sections 341,323,370(1) of the I.P.C., wherein, police after investigation



submitted charge-sheet under Sections 341,323,504/34 of the I.P.C. and Section 3(D) of the Domestic Violence Act only against Hari Shankar Prasad, but the petitioner has not been sent up for trial. It is further stated that the victim has also filed Maintenance Case No.58 of 2015 against her father. It appears from the statement of the victim under Section 164 of the Cr. P.C. that she got her age recorded as 21 years, whereas, the learned Court below assessed her age as 18 years. Further, she has stated about the bad and miserable family situation. Though she has not named this petitioner along with his father in the occurrence, but she has also stated that after getting her signature on a plain paper, she was being released. Moreover, the father of the petitioner and other family members have been granted regular bail by a co-ordinate Bench of this Court vide 61840 of 2018 and Criminal Miscellaneous No. 59350 of 2018.

It is submitted by learned APP for the State that in the statement under Section 164 of the Cr.P.C., the victim has not named the petitioner.

Considering the fact that the accusation has been levelled in the background of serious litigated relationship between the parties, at earlier point of time also several cases have been lodged against the petitioner, who happens to be



maternal uncle of the victim, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 Sitamarhi P.S. Case No.293 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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