

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43647 of 2017

Arising Out of PS.Case No. -498 Year- 2016 Thana -WAZIRGANJ District- GAYA

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1. Manju Mahton @ Suresh Prasad son of late Churaman Mahto
2. Raghunandan Prasad son of Hari Mahton
3. Vijay Mahton @ Vijay Mahto son of late Puna Mahton
4. Ashok Kumar son of Yogi Prasad All residents of village - Chinta Wandih (Tola Salempur), PO - Binda, PS - Barachatti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudiya Kumari d/o Kuleshwar Prasad of Urwda, PO - Tarwa, PS - Bajirganj, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 02-01-2018

Heard both sides.

The petitioners apprehend their arrest in Wazirganj P.S. case No. 498 of 2016 under Section 364/376 of the Indian Penal Code.

The victim alleged that on 25.11.2016 Subodh Kumar took her to Patna on the pretext of marriage and established physical relation with her. The victim further alleged that on the pressure and persuasion of her family members Subodh Kumar solemnized marriage with the victim in a temple but the accused persons, namely, Manju Mahton, Vijay Prasad, Raghunandan Prasad and Ashok Kumar forcibly took her husband to somewhere else at the point of pistol. The learned counsel for the petitioners submits that petitioners are relatives of the husband of informant. The victim is still residing in the house of her



husband. The petitioners have falsely been implicated in the case because they were protesting the marriage of Subodh Kumar with the victim. The case has already been compromised.

The learned APP, however, opposed the prayer for anticipatory bail.

It appears that only allegation against the petitioners is that while the victim was coming along with her husband the petitioners are alleged to have taken away the husband of victim at the gun point but the victim is still residing with her husband.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Gaya in connection with Wazirganj P.S. case No. 498 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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