

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38572 of 2018

Arising Out of PS. Case No.-182 Year-2018 Thana- JOGAPATTI District- West Champaran

DHARAMNATH MAHTO @ DHARAMNATH KUMAR S/o Shri Ramayan Mahto, R/o Vill.- Baluwa Paregwa, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Yogapatti P.S. Case No. 182 of 2018 for offences punishable under Sections 363, 366(A), 379, 341, 323, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his sister Sita Kumari aged 16 years has been kidnapped by the petitioner and his family members for the purpose of marriage. His sister has taken away cash of Rs. 80,000/- and ornaments worth Rs. 40,000/-.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that the victim girl in her statement under Section 164 Cr. P.C. before the Magistrate has stated that she had gone with the petitioner out of her own sweet will, her age has been assessed by the Magistrate as 17 years although she has stated to be 20 years of age. He further submits that the medical report suggests her age to be 17-19 years, as such, she is a major. The petitioner is languishing in judicial custody since 22.04.2018.

However, learned counsel appearing on behalf of the informant opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent as he is involved in a case under Section 302 of the I.P.C. and has kidnapped his minor sister and as per the School Leaving Certificate her year of birth is 2004.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 Additional District and Sessions Judge-1st -cum- Special Judge, West Champaran at Bettiah in connection with Yogapatti P.S.



Case No. 182 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

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