

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19967 of 2018

Arising Out of PS.Case No. -185 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

- =====
1. Dilip Kumar, S/o Ashok Mahto,
 2. Ashok Mahto S/o Late Bishundeo Mahto, R/o Village- Chhoti Balha, P.S.- Mansi, District- Khagaria.
 3. Mintu Mahto,
 4. Fagu Mahto @ Fago Mahto Both Son of Mahendra Mahto, R/o Village- Pipra, P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-04-2018

Heard learned counsel for the petitioners and

learned APP the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366/34 of the Indian Penal Code.

The prosecution case as per the written report of Naresh Singh dated 03.11.2017 is to the effect that on 30.10.2017 the daughter of the informant namely, Sangita Kumari aged about 20 years, talked to a person having mobile no. 8860050530, but thereafter she went traceless. It was suspected that the petitioners were instrumental in causing the disappearance of the informant. The daughter of the informant is



married having 15 months old child, but she left the child in the house.

It is submitted by learned counsel for the petitioners that the statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure on 30.11.2017 where she got her age recorded as 20 years when the court has assessed her age as 18 years, where she has specifically said that she of her own left the house and went to Delhi. In Delhi she met petitioner no. 1 Dilip Kumar, who asked her to return home, but the victim proposed for the marriage, thereafter both got married in temple and started living together. She said that none forced her to leave the house or to get married. She admitted about her first marriage with one Ranjan Kumar but since he is alcoholic and demands money, hence, she does not want to reside with first husband and she want to reside with petitioner no. 1 Dilip Kumar. It is further submitted that petitioner no. 2 is the father of petitioner no. 1 and petitioner nos. 3 and 4 are maternal uncle of petitioner no. 1 There is nothing specific against petitioner nos. 2 to 4 but they have been falsely roped in, since they happen to be related with Dilip Kumar. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent.

Mr. J.N. Thakur, learned APP submits that the accusation is specific against the petitioners.

Considering the fact that while recording the statement under Section 164 of the Code of Criminal Procedure the victim was found major, she stated that she proposed to marry Dilip Kumar, none forced her to leave the parents house and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Chautham P.S. Case No. 185 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

