

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36205 of 2018

Arising Out of PS.Case No. -31 Year- 2015 Thana -DEODHA District- MADHUBANI

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1. Ratan Mahto, son of Late Khelpatti Mahto,
2. Ramhit Mahto, son of Late Khelpatti Mahto,
3. Rambinay Mahto, son of Ghuran Mahto,
4. Dilip Mahto, son of Sonphi Mahto,
5. Ram Dulari Devi, wife of Ram Dayal Mahto,
Resident of village- Deodha Madhya Noniya Chowk, Ward No.13,
P.S.- Deodha, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Deodha P.S. Case No.31 of 2015 registered under Sections 147,
448,341, 323, 354B, 379 and 376 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that from perusal of the first information report it would transpire
that the informant was a major lady and had established physical
relationship with co-accused Ram Sharan Mahto out of her own
sweet will. As far as the petitioners are concerned, there is no
allegation that they exploited the informant in any manner. They
have been implicated in this case only because they happen to be



close relatives of co-accused Ram Sharan Mahto. It is further contended that even during course of investigation the police did not consider to take them in custody and on notice they all had appeared before the police in compliance of Section 41-A of the Code of Criminal Procedure.

On the other hand learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that the case is inter alia under section 376 of the Indian Penal Code and the petitioners are evading their appearance for last three years.

Having heard the parties since there is no allegation of physical exploitation of the informant as against the petitioners, in the event of arrest or surrender in the court below within six weeks from today, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Deodha P.S. Case No. 31 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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