

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48365 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Santosh Kumar @ Mahato @ Santosh Mahto, Son of Sri Rama Nand Mahto
@ Sheo Prasad Mahto, Resident of Village- Jagdawan Chapra, P.S.
Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 22-11-2018 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

The petitioner seeks bail in Kanti P. S. Case No. 161
of 2018 instituted for the offence under Section(s) 366A, 376,
380, 384, 420, 464, 465, 468, 469, 471, 504, 506, 509 and 511 of
the Indian Penal Code, Section 66 of the I.T. Act and Section
11/12 of the POCSO Act.

It is alleged in the written report that this petitioner
enticed the minor daughter of the informant, namely Sharmila
Kumari, and took the photographs of her on the pretext to
show as having performed marriage with her. It is further
alleged that when the daughter of the informant raised objection
of establishing physical relationship with her then he



kidnapped her for illegal activities.

Learned counsel for the petitioner has submitted that Medical Board has examined the victim girl and assessed her age between 19 to 20 years. The doctor, in the medical examination, has found no scratch mark or mark of injury on face, neck, chest, abdomen or any part of the body.

Petitioner is the son-in-law of the elder brother of the informant.

Learned counsel for the informant has appeared and opposed the prayer for bail. During course of hearing of the bail petition, learned counsel, produced the date of birth certificate of the victim girl, wherein, the date of birth of the victim girl has been mentioned as 01. 11. 2000. On the strength of the said date of birth certificate, learned counsel, further points out that victim girl is minor at the time of occurrence.

The report called for from the Court below has been received and placed at Flag-'B' ,wherein, it is mentioned that charge has been framed on 31.8. 2018 and up till now only one witness (victim) has been examined.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Special Judge, POCSO,
Muzaffarpur, in connection with Kanti P. S. Case No. 161 of
2018 subject to the condition that both the bailers shall be the
close relative of the petitioner.

(Sanjay Priya, J)

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