

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37907 of 2018

Arising Out of PS.Case No. -266 Year- 2017 Thana -BAKHRI District- BEGUSARAI

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Shailu Devi W/o Ram Prit Mahton @ Ram Prit Mahto, R/o Vill.- Kathari,
P.S.- Gadhpura, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Section 366A of the Indian Penal Code.

The prosecution case as per the written report of Bablu Mahto submitted to the Station House Officer, Bakhari P.S. is to the effect that on 14.10.2017 the daughter of the informant aged about 15 years went to Rampur College but she did not return back. During search it transpired that at Bakhari bus stand, the bicycle of Radhey Shyam Mahto was parked which was taken by Ramprit Mahto at 8.00 P.M. The informant also came to know that Ramprit Mahto assisted the victim and



Radhey Shyam Mahto in boarding a bus at Makhachak and when enquiry was made from Ramprit Mahto, he refused to say anything in that regard. Hence, suspicion was raised, that the daughter of the informant has been kidnapped, with a false assurance of marriage.

It is submitted by learned counsel for the petitioner that though in the statement under Section 164 Cr.P.C the victim got her age recorded as 15 years and Court has assessed as such where she has stated that she was forcibly taken by Radhey Shyam, Ramprit and Shailu Devi, the petitioner from Bakhari Market to Majhaul and from there she was taken to Punjab where Radhey Shyam established physical relationship with the victim. Subsequently, she was recovered from Punjab. It is further submitted that since the petitioner is the sister of Radhey Shyam hence, she has also been roped in the present case. The statement under Section 164 Cr.P.C. suggests that the victim had relationship with Radhey Shyam from before.

Learned APP, however, submits that in the statement under Section 164 Cr.P.C. the victim has named this petitioner.

Considering the fact that the thrust of accusation is against Radhey Shyam and that the petitioner is a



lady, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Begusarai in connection with Bakhri P.S. Case No. 266 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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