

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26392 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- MADHWAPUR District- Madhubani

RAM PRASAD MAHTO, Son of Vindeshwar Mahto, Resident of Village-
Bihari Bhawanipur Tola, P.S.- Madhwarpur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 23-04-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Madhwapur Police Station Case No. 03 of 2019 for the offence punishable under Sections 363/366A/504/34 of the Indian Penal Code.

The victim has been recovered and her statement has been recorded. The mother of the victim is the informant. She has alleged in the First Information Report that on the date of occurrence, i.e., on 13.11.2018, the victim had left for the field in the morning, at 10:00 a.m. to work and she did not return till 05:00 p.m. She thereafter learnt that the petitioner had taken the victim in his motor-cycle to some unknown place under the inducement of marriage. In the statement under



Section 164 of the Code of Criminal Procedure, on the other hand, the victim has alleged that on the date of occurrence, when she was returning from the house of her maternal uncle in Nepal, the petitioner had kidnapped her and taken to Delhi. There is no allegation of any sexual misconduct in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Learned Counsel appearing on behalf of the petitioner, referring to the apparent contradiction between the allegation made in the First Information Report and the facts disclosed in the statement under Section 164 of the Code of Criminal Procedure has submitted that the petitioner has been falsely implicated in a criminal case. I find substance in submission so advanced on behalf of the petitioner on perusal of the First Information Report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Considering the above facts and circumstances and submission advanced on behalf of the petitioner, this application is allowed.

Let the petitioner, Ram Prasad Mahto, in the event of his arrest/surrender within six weeks from today in the Court below, 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 Judicial Magistrate, 1st Class, Benipatti, Madhubani, in Madhwapur Police Station Case No. 03 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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