

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29677 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- RAJAOLI District- Nawada

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MITHUNVARTI @ NATHUN MANJHI @ MITHUNCHA KRAWARTI S/o
Babulali Bhuiyan @ Babulal Manjhi Resident of Village- Pranbigha, P.S.-
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Rajauli P.S. Case No. 24 of 2019 registered for the offences
punishable under Sections 363, 376 and 34 of the Indian Penal
Code, Sections 3 and 5 of the Immoral Traffic (Prevention) Act,
1956 and Sections 3 and 4 of the POCSO Act.

As per allegation in the FIR, five months ago, the
informant was forcibly taken away by one Buchi Kumari and
she handed over the victim (informant) to the petitioner, who
established physical relationship with her. When she tried to flee
away, petitioner used to threat her but anyhow, she got an
opportunity and fled away. Subsequently, on recovery, her



statement was got recorded under Section 164 Cr.P.C., wherein, she stated that she was taken away by Mamta and Rakhi and was forcibly got married to the petitioner, who kept her in Biharsharif. She further stated that once again she was taken from the Bus Stand by Buchi Kumar and finally on coming home, she has come to the police station.

It is submitted by learned counsel for the petitioner that informant had left her house on her own will and had performed marriage with the petitioner and was living with him. The petitioner is a handicapped person, for which a certificate issued by Civil Surgeon, Nalanda is brought on record as Annexure-3 to the petition. It is further submitted that on her return, due to pressure of her brother and his wife, this case has been lodged almost after five months of the alleged occurrence. The petitioner is in custody since 23.01.2019 and has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, especially the fact that petitioner is a handicapped person and there is a delay of five months in lodging the FIR, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties
of the like amount each to the satisfaction of the learned
Additional Sessions Judge-1st, Nawada in connection with
Rajauli P.S. Case No. 24 of 2019.

(Partha Sarthy, J)

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