

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40554 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- BALTHAR District- West Champaran

RABINDRA MAHTO Son of Raghuvir Mahto Resident of Village-Balthar,
P.S.-Balthar, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 13-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Balthar P.S. Case No. 17 of 2019 registered for the offence
punishable under sections 363, 366 A and 379 of the Indian
Penal Code and section 8 of POCSO Act.

As per allegation in the FIR, the sixteen year old
minor daughter of the informant was taken away by the
petitioner for the purpose of marriage along with some
ornaments and cash to the tune of Rs. 10,000/-/.

It is submitted by learned counsel for the petitioner
that from the FIR it would transpire that the alleged
occurrence has taken place on 20.02.2019 but the FIR was



registered on 02.03.2019 after a delay of 12 days. It is further submitted that on return, she was medically examined and her age was determined to be between 17 and 19 years. It is further submitted that from reading of statement recorded under Section 164 Cr.P.C. it would be evident that the statement has been given under the pressure of her family members with whom she had come in touch prior to recording of the said statement. Petitioner has no criminal antecedent and he is in custody since 16.03.2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts that from the FIR it appears that ornaments and substantial amount of cash had also been taken away, the age of the victim as estimated in the medical report and petitioner being in custody since 16.03.2019, 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-I-cum-Special Judge, West Champaran at Bettiah in connection with Balthari P.S.



Case No. 17 of 2019.

(Partha Sarthy, J)

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