

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78490 of 2019

Arising Out of PS. Case No.-206 Year-2016 Thana- BHANGWANPUR HAT District- Siwan

Birendra Mahto, son of late Deonarayan Mahto, Resident of Village - Lahuri
Kauria, P.S.- Bhagwanpur Hat, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhagwanpur Hat PS Case No.206 of 2016 dated 22.11.2016 instituted under Sections 366-A, 376 and 120-B/34 of the Indian Penal Code and 3/4 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner and his five other family members is of abducting the informant, who claims to be 14 years of age.

4. Learned counsel for the petitioner submitted that the parties are close agnates and the allegation made is patently false and fabricated. It was submitted that as per the initial



complaint the incident started from 23.05.2016, but the complaint was filed on 22.09.2016. It was submitted that there is no explanation for delay of four months. It was further submitted that in the complaint itself it has been stated that the complainant was abducted and she returned after many days to her house and then she narrated the incident to the father, who took her to the police station but nothing happened. It was submitted that there is no explanation as to why if a girl goes missing, the father and other family members would not lodge any complaint or would not make any effort to locate her. Learned counsel submitted that even otherwise, the contention that the petitioner had given false promise of marriage is not correct for the reason that being close agnates, marriage could not have been performed between the parties. It was submitted that due to family dispute the petitioner has been implicated falsely and further, that there has been no medical report of the girl and he has no criminal antecedent and is in custody since 23.10.2019.

5. Learned APP submitted that there is allegation of rape against the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge 1st cum Special Judge, Siwan, in Bhagwanpur Hat PS Case No.206 of 2016, subject to the condition that one of the bailors shall be close relative of the petitioner and that he shall cooperate in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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