

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14434 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- NAUTAN District- West Champaran

1. RAJMATI DEVI W/O Tapu Mahto @ Tappu Mahato R/o vill Shyampur Kotraha, P.S. Nautan, Dist. W. Champaran.
2. Meena Devi W/O Nandlal Mahto R/o vill Shyampur Kotraha, P.S. Nautan, Dist. W. Champaran.
3. Nandlal Mahto S/O Ramjit Mahto R/o vill Shyampur Kotraha, P.S. Nautan, Dist. W. Champaran.
4. Arjun Mahto S/o Kanhai Mahto @ Kanhaiya Mahato R/o Bakharia, P.S. Majhuwaliya, Dist. W. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

This is an application for grant of anticipatory bail in connection with Nautan P.S. Case No. 182 of 2019 registered for the offence punishable under



Sections 363 and 366(A) of the Indian Penal Code.

The allegation is regarding the petitioners herein having kidnapped the minor girl of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and the medical report of the victim girl would show that her age has been assessed in between 18-20 years and no recent sign of sexual assault has been found as far as the victim girl is concerned. The learned counsel for the petitioners has also referred to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate to submit that the victim girl has stated in her statement that one day, after she was beaten by her family members, she became angry and on 15.4.2019, she left for Delhi by train where she performed court marriage with one Bharat Mahto and when they came to know that the present case has been lodged, they have come back to get their relatives released from jail custody. It is



further submitted that the petitioners are having clean antecedent and no case is made out as against the petitioners.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that the petitioners are having no complicity in the alleged occurrence, hence, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M.,



Bettiah, West Champaran in connection with
Nautan P.S.Case No. 182 of 2019, subject to the
conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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