

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27138 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- TARIYANI CHOWK District- Sheohar

1. INDAL MAHTO Son of Rameshwar Mahto Resident of Village- Kushhar, P.S.- Tariyani, District- Sheohar
2. Krishna Devi Wife of Indal Mahto Resident of Village- Kushhar, P.S.- Tariyani, District- Sheohar
3. Rameshwar Mahto Son of Late Fakira Mahto Resident of Village- Kushhar, P.S.- Tariyani, District- Sheohar
4. Keshiya Devi Wife of Rameshwar Mahto Resident of Village- Kushhar, P.S.- Tariyani, District- Sheohar
5. Krishna Devi Wife of Mohan Mahto Resident of Village- Bela Pachgachhiya, P.S.- Ahiyapur, District- Muzaffapur
6. Mohan Mahto Son of Late Yogendra Mahto Resident of Village- Bela Pachgachhiya, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Akshyalal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-11-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects



within undertaken period, the office will place the matter before the Bench.

Learned counsel for the petitioner seeks permission to withdraw this application in respect of petitioner no.3- Rameshwar Mahto, who, during pendency of this application, has been apprehended by the police.

Permission is granted.

Accordingly, this application filed of grant of anticipatory bail to petitioner no.3 is dismissed as withdrawn.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366A/120 and 379 of the Indian Penal Code.

Co-accused Sanjit Kumar in association of other named accused persons are said to have kidnapped the daughter of the informant with an intention to marry or to kill her.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case as they are family members of co-accused Sanjit Kumar. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, the victim girl was in courtship of Sanjit Kumar and she has solemnized marriage



with him on 06.03.2020 at Aryawat Arya Samaj, Chhatishgarh. The victim girl in her statement made under Section 164 Cr.P.C. has stated that she had gone with Sanjit Kumar out of her own sweet will. Petitioner nos.1 and 2 father and mother, petitioner nos.3 & 4 are grandfather and grandmother and petitioner nos.5 & 6 are Fua and Fufa of Sanjit Kumar. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Sheohar in connection with Tariyani P.S. Case No.40 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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