

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12762 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- GAIGHAT District- Muzaffarpur

OM PRAKASH @ OM PRAKASH MAHTO Son of Mahavir Mahato
Resident of Village - Jarang Mallah Toli, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Chandra Shekhar Anand, Advocate.
For the State	:	Mr. Ganesh Prasad Singh, A.P.P.
For the Informant	:	Mr. Ravi Nandan, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 08-01-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Gaighat P.S. Case No.200 of 2019 registered under Sections 363, 366(A), 504 and 506/34 of the Indian Penal Code.

The accusation is that on 06.07.2019 at about 11.00 A.M., the victim, the daughter of the informant Rambabu Singh, moved from the house with Rs.40,000/- for Gaighat Bank to deposit the aforesaid amount in the Bank. In the way, Om Prakash Mahto (petitioner), Subhash Mahto, Laxmi Mahto, all sons of Mahavir Mahato, and Mahavir Mahato with an intention to perform the marriage, kidnapped the victim, the daughter of



the informant. When the victim, the daughter of the informant, did not return till late hours, then the informant started to search her and went to the house of Mahavir Mahato and when the informant made query about his daughter from Jai Prakash Mahto, Dev Kumar Mahto and Ajeet Kumar Mahto, all sons of Mahavir Mahato, who were present there, then they started to abuse and give threatening to the informant saying that the victim will not be returned.

Learned counsel for the petitioner submits that the petitioner and the informant are co-villagers. In fact, the victim, the daughter of the informant, fell in love with the petitioner, due to that reason, both performed the marriage in a temple but with an ulterior motive, the informant lodged the present case. Further submission is that, the informant got managed to record the statement of his daughter under Section 164 of the Code of Criminal Procedure under pressure showing the hand of the petitioner and others in her kidnapping. While the victim, the daughter of the informant, has stated in her statement, as recorded under Section 164 of the Code of Criminal Procedure, that she was recovered by her father with the help of the police but in the case diary, the same is not detailed. Further submission is that after lodging of the present case, the



petitioner has filed Matrimonial Case No.351 of 2019 in the court of the Principal Judge, Family Court, Muzaffarpur, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights, which is still pending.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-15, Muzaffarpur, in connection with Gaighat P.S. Case No.200 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

