

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32122 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- SISWAN District- Siwan

1. Beniya Devi, W/o Daroga Mahto, R/o village- Nagai, P.S.- Siswan (Chainpur O.P.), District- Siwan
2. Mantu Mahto, S/o Daroga Mahto, R/o village- Nagai, P.S.- Siswan (Chainpur O.P.), District- Siwan
3. Shima Devi, W/o Mantu Mahto, R/o village- Nagai, P.S.- Siswan (Chainpur O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 05-04-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Siswan P.S. Case No. 242 of 2019, registered under Sections 341, 323, 363, 366(A), 504 and 506/34 of the Indian Penal Code.

The accusation is that Benia Devi, wife of Daroga



Mahto (petitioner no.1) came at the door of informant, Nandlal Sah, and accompanied his minor daughter, aged about 15 years and later on, with intention to perform her marriage, Shani Prakash, Mantu Mahto (petitioner no.2), both sons of Daroga Mahto, and Shima Devi, wife of Mantu Mahto, (petitioner no.3) took away his daughter. When the informant made query then all started to abuse him.

Learned counsel appearing for the petitioners submits that, in fact, daughter of the informant left her house with Mantu Mahto (petitioner no.2) according to her own sweet will and after some time, she returned at her house but with ulterior motive, Beniya Devi (petitioner no.1) and Shima Devi (petitioner no.3), who are respectively mother and wife of Mantu Mahto (petitioner no.2), have also been implicated in the present case with false allegation. Further submission is that after returning at her house, victim gave her statement recorded under Section 164 of the Cr.P.C., in which, she has only stated that she was accompanied by Beniya Devi, mother of Mantu Mahto, at her house and thereafter, she was sent at Surat with Mantu Mahto (petitioner no.2) and at that time, one boy was also with Mantu Mahto (petitioner no.2) and Mantu Mahto (petitioner no.2) committed rape with her and father of Mantu



Manto (petitioner no.2), who is also Sub-Inspector in Police Department, also gave threatening saying that she will live with his son. Further submission is that victim, due to pressure of her family members, has given the name of petitioner no. 1 in her statement recorded under Section 164 of the Cr.P.C. and has not disclosed the name of Shima Devi (petitioner no.3), who is wife of Mantu Mahto (petitioner no.2). Further submission is that in medical examination, the age of the victim has been assessed as 18 to 19 years.

Having regard to the facts and circumstances of the case, let the petitioner nos. 1 and 3, namely, Beniya Devi and Shima Devi, 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. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Siwan, in connection with Siswan P.S. Case No. 242 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner no. 2, Mantu Mahto, is concerned, having regard to the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant anticipatory bail to him.



Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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