

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83530 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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ANITA DEVI Wife of Rajo Mahto @ Raju Mahto Resident of Village -
Maheshwara, P.S.- Nawkothi, Distt - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-10-2021 Heard learned counsel for the petitioner and Ms. Gulnar
Begum, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain pre-arrest bail in connection with Nawkothi P.S. Case No. 24 of 2019 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

Earlier when this matter was taken up for consideration on 22.01.2020, this Court was informed that the co-accused identically situated has been granted privilege of anticipatory bail in Cr. Misc. No. 65553 of 2019 by a learned co-ordinate Bench of this Court and this was shown to be a change of circumstance.

Today, learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected on the ground inter-alia that victim girl had gone to the village market but



did not return and till date the girl was not traceable. This being the only reason in the order dated 14.10.2019, now the circumstance has changed inasmuch as the victim girl has come back and the statement of the victim girl has been recorded under Section 164 Cr.P.C.

Learned counsel has produced before this Court a copy of the certified copy of the statement recorded under Section 164 Cr.P.C. in which the victim girl has claimed herself nineteen years old and the Court has also prima facie recorded her age as nineteen years in the deposition form and further the victim girl has stated that on her own volition she had gone with the co-accused Shatrudhan Mahto and had solemnised marriage with him, thereafter she was living with said Shatrudhan Mahto and had given birth to a female child.

Learned counsel submits that on the face of these statements, the petitioner deserves privilege of bail.

Ms. Gular Begum, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but in a feeble voice. Learned A.P.P. understands that this 164 Cr.P.C. statement has washed of the cloud, if any, against this petitioner.

In the given facts and circumstances of the case, taking note of the statement of the victim girl who is major and has come back and recorded her statement as noted hereinabove, this Court



finds it a fit case to exercise its discretion to grant privilege of pre-arrest bail to the petitioner, let the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with G.R. No. 933 of 2019 arising out of Nawkothe P.S. Case No. 24 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Raghubir Prasad, learned Judicial Magistrate, 1st Class, Begusarai subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The copy of certified copy of the 164 Cr.P.C. statement shall remain on the record.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

