

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31676 of 2021

Arising Out of PS. Case No.-889 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. SAVITA DEVI Wife of Chandan Mahto Resident of Village - Fulwar Gamariya, P.S. - Banjaria (Turkauliya), District - East Champaran.
 2. Kameshwar Mahto Son of Late Saryug Mahto Resident of Village - Fulwar Gamariya, P.S. - Banjaria (Turkauliya), District - East Champaran.
 3. Suraj Mahto Son of Chandan Mahto Resident of Village - Fulwar Gamariya, P.S. - Banjaria (Turkauliya), District - East Champaran.
 4. Lakhi Mahto Son of Chandan Mahto Resident of Village - Fulwar Gamariya, P.S. - Banjaria (Turkauliya), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 11-05-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioners and

learned APP for the State.

The petitioners apprehend their arrest for the

offences alleged under Sections 363 and 365/34 of the Indian

Penal Code and subsequently Sections 364, 302, 201 and 120B

of the IPC were added, registered in connection with

Turkauliya (Banjaria) P.S. Case No. 889 of 2019.



As per allegation, the named accused persons, including the petitioners, after abducting the minor daughter of the informant, concealed her. The reason behind the occurrence has been stated that co-accused Suraj Mahto and petitioner Lakhi Mahto had badly assaulted the father of the informant prior to the occurrence and a case was lodged in that respect, but the matter was settled in a *panchayati* and accused persons gave Rs. 15,000/- for the expenses of the treatment of the informant's father. They also assured to give Rs. 10,000/-, but they did not pay it and when the informant went there to demand the money they assaulted the informant. They also threatened him to face the dire consequences had the informant demanded above-mentioned money. The informant expressed his firm belief that due to this fact, the accused persons had abducted his minor daughter and concealed her. Later on, the dead-body of his minor daughter was recovered from a pond.

The learned counsel for the petitioners has submitted that none had seen the petitioners along with the deceased. He has submitted further that the petitioners have been falsely implicated due to previous enmity. He has also submitted that co-accused Chandan Mahto has been granted regular bail by a coordinate Bench of this Court vide Cr.Misc. No.29844 of 2020.



He has next submitted that, although the case is not compoundable, but when the real fact came to the notice to the informant, he compromised the case.

On the other hand, Mr. Shailendra Kumar, the learned APP has submitted that the petitioners and other co-accused persons have committed murder of the minor daughter of the informant and concealed her dead-body. The witnesses in paragraph nos. 10 and 11 of the case diary have supported the entire occurrence and in paragraph no.16 thereof, the inquest report has been incorporated. Paragraph no.8 of the inquest report shows that the deceased was murdered by drowning after pressing her throat.

The investigation is still going on. As such, it is not a fit case for anticipatory bail. The prayer for anticipatory bail on behalf of the petitioners is hereby rejected.

If the petitioners surrender and make a prayer for regular bail, the court below may consider and dispose it of on its own merit, without being prejudiced by this order and also considering the fact that other co-accused persons have been granted regular bail by this Court.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided



hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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