

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70039 of 2021

Arising Out of PS. Case No.-197 Year-2021 Thana- SONBERSA District- Sitamarhi

1. KAILASH MAHTO Son of Ram Lakhan Mahto Resident of Village- Rahua, P.S.- Sonbarsa, District- Sitamarhi.
2. Umesh Mahto Son of Sri Ram Parikshan Mahto @ Parikshan Mahto Resident of Village- Rahua, P.S.- Sonbarsa, District- Sitamarhi.
3. Dinesh Mahto Son of Sri Ram Parikshan Mahto @ Parikshan Mahto Resident of Village- Rahua, P.S.- Sonbarsa, District- Sitamarhi.
4. Suresh Mahto Son of Sri Ram Parikshan Mahto @ Parikshan Mahto Resident of Village- Rahua, P.S.- Sonbarsa, District- Sitamarhi.
5. Boby Devi Wife of Sri Kailash Mahto Resident of Village- Rahua, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Bilash Roy Raman
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 28-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in connection with Sonbarsa P.S. Case No. 197 of 2021, registered for the offences punishable under Sections 341, 323, 376, 511, 504, 506, 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that in his bail petition in place of Section '323' of the Indian Penal Code,



‘343’ has wrongly been typed.

In view of the aforesaid submission, let it be corrected accordingly.

As per allegation, when the informant Soniya Devi was taking her meals the petitioners entered into her house and asked whereabouts of Lalit who is son-in-law of petitioner No. 1. The further allegation is that they abused the informant and petitioner No. 1 attempted to commit rape with the informant.

Learned counsel for the petitioner has submitted that prior to the occurrence the brother-in-law (*devar*) of the informant after kidnapping the daughter of petitioner No. 1 has solemnized marriage with her and the accused persons also threatened the petitioner No. 1 and his wife Bobby Devi that they would kidnap also her two daughters. In this respect Bobby Devi, wife of petitioner No. 1 has lodged Sonbarsa P.S. Case No. 79 of 2021 much earlier to the present occurrence. He has submitted further that the petitioners are the persons of clean antecedent and they have falsely been implicated as the petitioners have already lodged case against the informant side as the members of prosecution side had threatened the defense side to kidnap their daughters.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sonbarsa P.S. Case No. 197 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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