

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12726 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- BARHIYA District- Lakhisarai

1. Raj Kumar S/O Sri Hira Mahto R/O Village- Bagi (Punarakh), P.S.- Pandarakh, Distt- Patna.
2. Shankar Mahto S/O Sri Hira Mahto R/O Village- Bagi (Punarakh), P.S.- Pandarakh, Distt- Patna.
3. Shiv Kumar S/O Sri Hira Mahto R/O Village- Bagi (Punarakh), P.S.- Pandarakh, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 504/34, 323, 363(A) and 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, allegation against the petitioner no. 1 is that, on the pretext of marriage, he established physical relations with the daughter of the informant. Thereafter, the informant and her husband informed the village Sarpanch on



which all the petitioners started abusing her and threatened to implicate them in the false case.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that earlier the husband of the present complainant/informant, namely, Sanjay Mahto has filed Pandarak P.S. Case no. 12 of 2022 dated 30.01.2022, in which he has stated *interalia* that he is resident of village Gangasarai and he has come for panchayati to village Sitaram Bagi and has called the Sarpanch and other punches for settling the dispute in between daughter Rupam Kumari and son-in-law Raj Kumar Mahto. The moment he reached at the house of Hira Mahto the aforesaid persons started firing on him. When villagers assembled the aforesaid four persons fled away. Petitioners no. 1 and 3 have got no criminal antecedent whereas petitioner no. 2 has got one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail and submit that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has supported the



prosecution case and the victim is minor.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barahiya P.S. Case No.225 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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