

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1225 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- HARLAKHI District- Madhubani

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1. Pradeep Mahto @ Pradip Kushwaha, Son Of Late Bilat Mahto @ Bilatu Kushwaha Resident Of Village - Rampur, P.S.- Harlakhi, District - Madhubani
 2. Ram Sharan Mahto, Son Of Late Bilat Mahto @ Bilatu Kushwaha Resident Of Village - Rampur, P.S.- Harlakhi, District - Madhubani
 3. Saroj Kumar Mahto, Son Of Ram Sewak Mahto Resident Of Village - Rampur, P.S.- Harlakhi, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanichar Sada, Son of Lotha Sada Resident of village - Rampur, P.S.- Harlakhi, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Murari Narain Chaudhary
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Bhavesh Kumar Sah

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023

I.A. No.01 of 2023

In view of the pleadings made in the limitation application, the delay of eight days in filing the appeal is condoned.

Accordingly, I.A. No.01 of 2023 stands allowed.

Heard learned counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated



24.11.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Harlakhi P. S. Case No.05 of 2022, instituted for the offences under Sections 363 and 366A/34 of the Indian Penal Code and Section 3(1)(r)(w) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 03.12.2021, his daughter had gone to attend call of nature, but did not return and on search, he came to know that accused persons including the appellants have abducted her for illegal purpose. Accordingly, the informant went to the house of the accused persons and asked them to return his daughter, on which he was abused and accused persons took out Rs.500/- from his pocket.

The learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation is alleged that who abused the informant. It is further submitted that the date of occurrence is



03.12.2021 and the F.I.R. has been instituted on 04.01.2022 i.e. after a delay of more than 30 days, which cast an aspersion on the case of the prosecution.

The learned counsel for the informant as well as learned Special P. P. opposes the bail application and submits that the victim, till date, has not been returned and the appellants were instrumental in her kidnapping as she was known to Santosh Mahto and appellants are relatives of Santosh Mahto.

The learned counsel for the appellants submits that the appellants will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer.

Regard being had to the aforesaid submissions, the order dated 24.11.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions



Judge-cum-Special Judge, Madhubani/ Incharge successor Court in connection with Harlakhi P. S. Case No.05 of 2022, G. R. No.04 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, in the event, if any application is filed on behalf of the Investigating Officer before the learned trial Court bringing to its notice that the appellants despite giving assurance to this Court are not cooperating in the investigating or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the appellants after recording reasons.

(Satyavrat Verma, J)

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