

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30244 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- SIMRI District- Darbhanga

1. Bharat Mahto Late Mohan Mahto Residents Of Vilage- Kansi Police Station
Simri District Darbhanga
2. Sunita Devi W/O Bharat Mahto Residents Of Vilage- Kansi Police Station
Simri District Darbhanga
3. Puja Kumari S/O Bharat Mahto Residents Of Vilage- Kansi Police Station
Simri District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Simri P.S. Case No. 139 of 2022, registered for the offence punishable under Sections 363, 366A and 34 of the Indian Penal Code.

3. As per allegation, informant's minor daughter, aged about 15 years, was found missing, and it is alleged that one *Raja Ram Mahto*, who happens to be son of petitioner nos. 1 and 2 and brother of the petitioner no. 3, along with instant petitioners have kidnapped her with mal-intention. The instant



petitioners have also been named as co-accused.

4. The learned counsel for the petitioners submits that petitioners have become a victim of the circumstance because they happened to be family members of *Raja Ram Mahto*. In fact, it is a case of elopement, and *Raja Ram Mahto* is also traceless till date. The petitioners are also having no antecedents.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and clean antecedents of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Darbhanga, in connection with Simri P.S. Case No. 139 of 2022, subject to the conditions as laid down in



Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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