

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35529 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- INARWA District- West Champaran

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DHURENDRA MAHTO S/O SRI RUDAL MAHTO @ RAHUL MAHTO
R/O Village- Mangrahari, Bairiya, P.S- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Inarwa P.S. Case No. 28 of 2023 for the offence punishable under Sections 366-A/34 of the Indian Penal Code and 8/12 of the Protection of Children from Sexual Offences Act lodged on 12.3.2023 by the informant, Inush Khan.

As per the prosecution story, the informant alleged that his minor daughter had gone out to attend nature's call, when this petitioner along with one Harendra Mahto took her away for the purpose of marriage, this led to the FIR.

In this matter, case diary was called for by earlier bench on 24.6. 2023 along with 164 Cr.P.C. statement of the victim girl which have since been received.

Learned APP has drawn attention to this Court to 164



Cr.P.C. statement of the victim girl in which she has given her age to be 17 years and has stated that she married this petitioner at her own, is pregnant by two months and if she is not allowed to live with him she will commit suicide.

Considering the submission made by the victim girl under section 164 of the Cr.P.C., the victim girl pregnant by two months, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum the Special Judge, POCSO Act, West Champaran at Bettiah, in connection with Inarwa P.S. Case No. 28 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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