

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36744 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- SONBERSA District- Saharsa

1. Chaniya Devi Wife of Patthal Mahto resident of village- Bhasti (Bind Toli), P.s.- Sonbarsa Raj, District- Saharsa
2. Patthal Mahto Son of Late Yugal Mahto resident of village- Bhasti (Bind Toli), P.s.- Sonbarsa Raj, District- Saharsa
3. Kishor Mahto Son of Patthal Mahto resident of village- Bhasti (Bind Toli), P.s.- Sonbarsa Raj, District- Saharsa
4. Arjun Mahto Son of Patthal Mahto resident of village- Bhasti (Bind Toli), P.s.- Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Dr. Indiwar Kumari, A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363 and 366(A) read with Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons kidnapped the minor daughter of the



informant forcibly for the purpose of marriage.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the main allegation is against the co-accused Munna Kumar. The petitioner no. 1 and 2 are the parents of the co-accused Munna Kumar and the petitioner no. 3 and 4 are brothers of the said co-accused and they are made accused in this case because the petitioners are mother, father and brothers of the co-accused. The petitioners have no concern with the crime alleged. The medical board assessed the age of the victim in between 17-19 years. As per medical report, no spermatozoa is found in vaginal swab smear, Sexual assault occurred, cannot be confirmed not be denied. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of



Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Saharsa in connection with Sonbarsa Raj P.S. Case No. 203 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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