

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50914 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- LAUKAHA District- Madhubani

1. JAY PRAKASH MAHTO @ PRAKASH KUMAR MAHTO S/O PAWAN SAH @ PAWAN MAHTO R/O VILLAGE- BAURHA, PS. LAKAHA, DIST. MADHUBANI
2. PAWAN SAH @ PAWAN MAHTO S/O ISHANI LAL MAHTO R/O VILLAGE- BAURHA, PS. LAKAHA, DIST. MADHUBANI
3. ANJALI KUMARI D/O PAWAN SAH @ PAWAN MAHTO R/O VILLAGE- BAURHA, PS. LAKAHA, DIST. MADHUBANI
4. RANJU KUMARI D/O PAWAN SAH @ PAWAN MAHTO R/O VILLAGE- BAURHA, PS. LAKAHA, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Girish Chandra Jha
For the State	:	Mr.Nirmal Kumar Sinha
For the informant	:	Mr. Bimal Kumar
		Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 08-11-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Laukaha Police Station Case No. 11 of 2023, dated 13.01.2023, disclosing offences punishable under Sections 363/366-A/34 of the Indian Penal Code.3. The prosecution case, as per the First Information Report, is that while the minor daughter of the informant had |
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gone to attend coaching class, all the accused persons abducted her for the purpose of marriage.

4. Learned Counsel for the petitioners submits that there was love relationship between the petitioner no. 1 and the victim girl. It has further been submitted that all the family members have been implicated in this case due to the fact that the love relationship between the petitioner no. 1 and the victim girl was not to the liking of the family members of the victim girl. He further submits that the victim girl is major and the medical board has assessed the age of the victim girl between 17 and 19 years.
5. On the other hand, learned Counsel for the informant as well as State vehemently oppose the prayer for bail and submits that the victim girl was recovered on 02.02.2023 and her statement, under Section 161 of the Code of Criminal Procedure, 1973, was recorded by the police on the same day and her statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded on 03.02.2023, in which she has said that the accused persons forcibly kidnapped her and took her to Viratnagar, Nepal, and confined her in a room, where



petitioner no. 1 was pressurizing her for marriage. The victim girl is minor, aged about 15 years, as per the matriculation certificate, in which the date of birth of the victim girl has been mentioned as 25.11.2007.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has said that she was forcibly kidnapped for the purpose of marriage and the petitioner no. 1 was pressurizing her for marriage.
7. Accordingly, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.
8. This application, so far as petitioner no. 1 is concerned, is dismissed.
9. However, considering the fact that other petitioners are family members of the petitioner no. 1 and allegation against them are general and omnibus in nature, I am inclined to grant the petitioner nos. 2 to 4 privilege of anticipatory bail.
10. This application, so far as petitioner nos. 2 to 4 are concerned, is allowed.
11. Let the petitioner no. 2 to 4, 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 learned Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Laukaha Police Station Case No. 11 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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