

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8011 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- SUGAULI District- East Champaran

SK. RUSTAM @ MAHTO S/O- SHEIKH JOKHU R/O- VILLAGE-
LAXMIPUR MADHUMALTI, P.S.- SUGAULI, DIST.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Informant : Mr. Vishwa Mohan Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and learned

counsel for the Informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Sugauli P.S. Case No. 130 of 2023, dated
10.04.2023 for the offences punishable under Sections 363,
366A, 34, 376, 302, 201, 120B of the Indian Penal Code and
section 4 and 8 of the POCSO Act.

3. As per the prosecution case, unknown miscreants
are alleged to have kidnapped the minor daughter of the
informant with bad intention by enticing her.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner had surfaced during the course of investigation and he is only father of the co-accused Sheik Rustam. No incriminating material has been recovered from her possession. There is a delay of about three days in lodging the F.I.R. and there is no plausible explanation for the same. Similarly situated co-accused person has already been granted anticipatory bail by this court vide order dated 27.03.2024 passed in Cr. Misc. No. 9792 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran, Motihari in connection with



Sugauli P.S. Case No. 130 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition/s-:

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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