

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19103 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- BARGAINIA District- Sitamarhi

1. Rajaram Mahto S/o Late Inardew Mahto @ Inder Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
2. Brijlal Mahto S/o Late Inardew Mahto @ Inder Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
3. Dharmendra Kumar @ Dharmendra Mahto S/o Brijlal Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
4. Jitendra Kumar @ Jitendra Mahto S/o Brijlal Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
5. Rupesh Kumar @ Rupesh Mahto S/o Late Jaga Mahto Resident of Village- Jamua Police Station- Bairstania District- Sitamarhi
6. Ram Bahadur Mahto @ Bahadur Mahto @ Bifai Mahto S/o Late Torika Mahto Resident of Village- Jamua Police Station- Dhaka, District- East Champaran
7. Jasiya Devi W/o Rajaram Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
8. Hema Devi @ Hema Kumari W/o Dharmendra Mahto @ Dharmendra Kumar Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi
9. Rangila Devi W/o Harilal Mahto Resident of Village- Patahi Police Station- Bairstania District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-07-2024

1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have preferred this application for



grant of anticipatory bail apprehending his arrest in connection with Bargainia P.S. Case no. 186 of 2023 registered under sections 363, 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that his 15 years old minor daughter disappeared and was not be found in spite of search. On inquiry it transpired that the fourteen named accused persons have a hand in her disappearance. The informant states that he is convinced that she has been kidnapped and may be killed.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. It was a case of love affair between the daughter of the informant and one Gaurav Kumar. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C from which it would transpire that no case of kidnapping or forcing her is made out against any of the petitioners herein. The so-called victim clearly admits having an affair with Gaurav Kumar and in her statement she also states that she is 19 years old. Further referring to the medical report it is submitted that her age has been assessed by the medical board to be between 18-20 years.



5. The application for anticipatory bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires from the contents of the statement of the victim recorded under section 164 Cr.P.C that it was a case of love affair between her and Gaurav Kumar. She clearly states that she went to the said Gaurav Kumar, married him in a temple and wants to reside with him. Further in her medical examination, her age has been assessed by a four member medical board to be between 18-20 years.

7. In view of the facts and circumstances of the case, especially the contents of the statement of the daughter of the informant recorded under section 164 Cr.P.C and the report of the medical board assessing the daughter of the informant to be aged between 18-20 years, it is directed that the petitioners, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bargainia P.S. Case no. 186 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District &



Sessions Judge-VIth-cum-Special Judge (POCSO Act),
Sitamarhi.

(Partha Sarthy, J)

Harsh/-

U		T	
---	--	---	--

