

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29860 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- ISUAPUR District- Saran

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1. Chhathiya Devi WIFE OF RAM CHANDRA MAHTO RESIDENT OF VILLAGE- RAMCHAURA, PS- ISUAPUR, DIST- SARAN
 2. LAYACHI DEVI WIFE OF RAJENDRA MAHTO RESIDENT OF VIL- LAGE- RAMCHAURA, PS- ISUAPUR, DIST- SARAN
 3. RAM CHANDRA MAHTO SON OF RAMAYAN MAHTO RESIDENT OF VILLAGE- RAMCHAURA, PS- ISUAPUR, DIST- SARAN
 4. RAVINDRA MAHTO SON OF RAM CHANDRA MAHTO RESIDENT OF VILLAGE- RAMCHAURA, PS- ISUAPUR, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mili Kumari, Advocate

For the Opposite Party/s: Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Isuapur P.S. Case No. 78 of 2023 for the offence under Sections 366(A) and 34 of the I.P.C. lodged on 18.03.2023 by the informant, Vigan Manjhi.

3. As per the prosecution story, the informant alleged that his minor daughter was taken away by Sonu and Guddu and upon inquiry, the petitioners herein who are family members of Guddu were abused. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that



main allegation is against Guddu of having taken away the informant's daughter. Further, he has taken this Court to the Annexure-P/2 to show that in the State of Uttar Pradesh (Lucknow) he has solemnized marriage and as per the certificate, the girl was born on 31.12.2004 and on the date of occurrence was a major.

5. Learned APP opposes the prayer stating that the FIR shows that she is minor.

6. Though the FIR alleges her to be a minor, his certificate on record shows her to be a major, in any case, the main allegation is against Guddu and Sonu, these petitioners, as submitted are father, mother, aunt (*bua*) as also brother, none of them have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Isuapur P.S. Case No. 78 of 2023 subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

(Rajiv Roy, J)

Adnan/-

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