

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74402 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Madhubani

Sanjai Mahto @ Sanjai Mahtha @ Sanjay Mahto @ Mahtha S/o Late
Radhunath Mahato R/o Village- Singralu, P.s-Ladaniya, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhubani (Mahila) P.S. Case No. 06 of 2024 for the offences punishable under Sections 376, 420 and 34 of the Indian Penal Code, lodged on 28.02.2024 by the informant, Pooja Kumari.

3. As per the prosecution story, the informant alleged that she is a student of graduation, was induced by the petitioner, photographs taken and thereafter, physical relationship was made. Though earlier, he had assured of marriage, later he backtracked. The police intervened, whereafter, she was kept in the house of the petitioner but again forcibly thrown out. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he



being the father of Shankar Suman has been implicated. Further, a perusal of the F.I.R. would show that it was a consented relationship, the informant being the major, the last submission is that he is in custody since 16.08.2024 (paragraph no.11 of the petition) and said Shankar Suman has already been granted relief in Cr. Misc. No. 73822 of 2024.

5. Let the same be kept on record.

6. Learned APP for the State opposes the prayer submitting that he being the father of the accused Shankar Suman, cannot exonerate himself from the responsibility.

7. Taking into account the submissions put forward by the parties, though allegation of physical and mental torture is there against the accused persons including the petitioner, the fact remains that from the F.I.R. it is clear that both consented to the alleged relationship whether it was forced or consented the Trial Court will decide, this petitioner do not have criminal antecedent and as incorporated above Shankar Suman has been granted relief, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional



Judicial Magistrate, Madhubani in connection with Madhubani
(Mahila) P.S. Case No. 06 of 2024, subject to the following
conditions:

(i) one of the bailor should be the family
member/relative of the petitioner who shall provide official
document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date
before the Trial Court failure to do so for two consecutive dates
without plausible reason will entail cancellation of his bail bond
by the Trial Court itself;

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

(Rajiv Roy, J)

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