

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70759 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- PALANWA District- East Champaran

Dharmendra Mahto Son of Late Bikram Mahto R/O-Village -Uchidiah, P.S.-
Palanwa, District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Kumar Son of Late Raj Kishore Prasad Resident of Village- Uchidiah,
P.S.- Palanwa, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yerra Madhavi

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 24-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code, Section 8 of the POCSO Act and Section 3(i)(w) of the SC/ST Act.

3. A First Information Report was lodged by one Ravi Kumar who had alleged that his sister had been kidnapped by one Pyarelal Mahto and his brother Dharmendra Mahto with the intention to sell her. It is stated that when the villagers tried to enquire the matter from the mother of the accused persons, she had promised that the victim would be coming back home but the same did not happen. Hence, the FIR.



4. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are not correct and the said FIR was lodged after an unexplained delay of 13 days as the occurrence is said to have taken place on 05.02.2019 whereas the FIR was registered on 18.02.2019. As a matter of fact, there was a love affair between the victim girl and co-accused Pyarelal Mahto and the victim girl had left the house voluntarily with Pyarelal Mahto for getting married to him.

5. The statement of the victim girl has also been recorded under Section 164 of the Cr.P.C. and a perusal of the same, would also make it clear that the victim had run away to Hyderabad with co-accused Pyarelal Mahto and got married in a temple. She has further stated that only after knowledge of the present case, she came back home to clarify the position that she was not kidnapped by any one.

6. Learned counsel for the petitioner further submits that the petitioner happened to be the brother of the said Pyarelal Mahto and Pyarelal Mahto has already been granted the privilege of bail by the learned court below.

7. Learned APP for the State, however, opposes the application for bail on the ground that there is an unexplained delay in approaching the Court for anticipatory bail and the



petitioner has one criminal antecedent.

8. In response to the same, learned counsel for the petitioner has drawn the attention of this Court to the fact stated in para-9 of the bail application which is also recorded in the order rejecting the bail that the police had submitted the final form in this case pursuant to which the petitioner had earlier withdrawn the anticipatory bail application but subsequently after taking of cognizance, the petitioner once again prayed for anticipatory bail. It has also been submitted that the petitioner is on bail in one other case in which he has been made accused.

9. Taking into consideration all the facts and circumstances, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Palanwa P.S. Case No. 17 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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