

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26141 of 2016

Arising Out of PS.Case No. -82 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Binod Kumar Mahto S/O Ram Bahadur Mahto, resident of Village- Pand Tola, (Khijuwa), P.S.- Dalsingsarai, Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-08-2016 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in a case registered under Sections 363, 366(A), 34 and 376(G) of the Indian Penal Code and Section 7 of POCSO Act.

The allegation against the petitioner and other co-accused is of kidnapping the daughter of the informant. It is further alleged that the informant has suspicion that his daughter may be killed.

It is submitted on behalf of the petitioner that the petitioner is in custody since 06.04.2016. The petitioner has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has falsely been implicated in the present

case due to mistake of fact. The petitioner has been named in the FIR merely on the basis of suspicion. The victim in her statement under Section 164 Cr.P.C. did not name the petitioner. Other co-accused have already been granted bail vide Cr. Misc. No. 22065 of 2015, Cr. Misc No. 1163 of 2015 and 16544 of 2014.

On behalf of the State, it is submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, let, above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J., Samastipur in connection with Dalsingsarai P.S. Case No. 82 of 2013.

(Sudhir Singh, J)

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