

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23090 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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1. Mukesh Mahaseth, Son of Bir Bahadur Mahaseth, Resident of Village-
Haribela, Police Station- Bathnaha, Dist.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-06-2017 Heard the parties.

The petitioner seeks regular bail in connection with Bathnaha P.S.Case No.39 of 2017, registered for offences punishable under Sections 363 and 366(A) of the Indian Penal Code and Seciton 3/4 of the POSCO Act.

The allegation against the petitioner and other accused persons is of kidnapping the daughter of the informant.

It is submitted on behalf of the petitioner that the statement of the victim girl has been recorded in this case under Section 164 Cr.P.C., in which she has stated that she had gone with her own sweet-will with the petitioner to visit Nepal and at about 12:00 O'clock she had gone there and returned at 03:00 O'clock. It is further submitted that the petitioner is in custody for more than



four months.

Heard learned A.P.P. also.

Having heard both sides and considering statement of the girl under Section 164 Cr.P.C. and also the petitioner is in custody for about four months, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge (POSCO Act), Sitamarhi in connection with Bathnaha P.S. Case No.39 of 2017 dated 10.2.2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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