

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6599 of 2018

Arising Out of PS.Case No. -126 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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Satendra Mahato, S/o Sheoshankar Mahato, R/o Village- Jhajhwa, P.S.-
Sidhwalia, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Sidhwalia P.S. Case No.
126 of 2017 registered under Section 366 of the Indian Penal
Code.

Co-accused Chandan Mahto is said to have
kidnapped the daughter of the informant intruding into his house
in the night.

It is submitted by learned counsel for the petitioner



that the petitioner has no concern with the aforesaid occurrence. He is not named in the F.I.R. Though the victim in her statement recorded under Section 164 Cr.P.C. has named the petitioner as one of the accused who had kidnapped her from her house, but the main allegation is against co-accused Chandan Mahto who is said to have taken her away to Darbhanga and from there to some other places. She has not claimed committing of any sexual abuse against her at the hand of the petitioner. There is an inordinate delay of nine days in lodging the F.I.R. and no plausible explanation has been assigned for the aforesaid delay. The victim happens to be married woman. The petitioner has no criminal antecedent. Co-accused Chandan Mahto has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 62332 of 2017 vide order dated 31.01.2018. The petitioner has been languishing in custody since 02.11.2017.

On the other hand, learned APP opposed the prayer for bail submitting that the petitioner was involved in kidnapping of the victim as per her statement recorded under Section 164 Cr.P.C., hence he does not deserve bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Gopalganj in connection with
Sidhwalia P.S. Case No. 126 of 2017.

(Prakash Chandra Jaiswal, J)

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