

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24789 of 2019**

Arising Out of PS. Case No.-74 Year-2018 Thana- MEDNI CHAUKI District- Lakhisarai

Kapo Mahto @ Kapildev Mahto Son of Late Harpat Mahto, Resident of Village-Khawa, Chandra Tola, Police Station-Medni Chowki, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-05-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in connection with Medni-Chowki P.S. Case No. 74 of 2018 registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code.

Petitioner and one another accused are said to have made the minor daughter of the informant escape and kept her concealed at some desolate place.

It is submitted by learned counsel for the petitioner that only allegation against the petitioner is that he has helped in escaping of the victim and there is no allegation of kidnapping of the victim against him. The aforesaid allegation is not



specific rather general and omnibus in nature. There is no eye witness of the occurrence. Petitioner has no criminal antecedent, hence, he deserves anticipatory bail.

Learned APP for the State opposing the bail prayer of the petitioner submitted that witnesses in paragraphs 7 and 8 of the case diary have unanimously stated that the petitioner and co-accused had kept the victim in their house, and thereafter, they had concealed her somewhere else and wife of the petitioner in paragraph 23 of the case diary has also stated that the victim had stayed at her house for three days, thereafter, she left the house. Victim is still traceless.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and the court below shall dispose of the same in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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