

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58360 of 2019

Arising Out of PS. Case No.-274 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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MANOJ MAHTO, Aged about 23 years, Male, S/o Shivjee Mhto @ Shivkari
Mahto, R/o village- Madhpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 25-09-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with POCSO G.R.Case No. 13 of 2018, arising out
of Darbhanga Sadar P.S. Case No. 274 of 2017, registered for
the offences punishable under Sections 363, 366(A) of the
Indian Pena code and Sections 4/6/8 of POCSO Act.

It has been submitted on behalf of the petitioner
that he has earlier moved this Court for bail vide Cr. Misc. No.
77885 of 2018 which was rejected on 22.01.2019 with a
direction to expedite and conclude the trial within six months. It
has further been submitted that trial has not concluded as yet.
Petitioner is in custody since 09.12.2017 having no criminal



antecedent. Although 6 witnesses have been examined on behalf of prosecution who are near relatives of victim but none has supported the case of prosecution. Even the mother (informant) has stated that due to misunderstanding she had lodged the F.I.R. Deposition of witnesses has been enclosed as Annexure-3 series.

Considering the aforesaid facts and circumstances of the case and the observation made in order dated 22.01.2019 passed in Cr. Misc. No. 77885 of 2018, petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, in connection with POCSO G.R. Case No. 13 of 2018, arising out of Darbhanga Sadar P.S. Case No. 274 of 2017, with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason trial court shall have liberty to



cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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