

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62434 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- UJIYARPUR District- Samastipur

Mithlesh Kumar, Son of Ghanshyam Mahto @ Dhanshyam Mahto, Resident
of Village- Mokhtiyarpur, P.S.- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-12-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail in connection with Ujyarpur P.S. Case No.132 of 2019 registered for the offence punishable under Sections 365, 366A and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the victim girl in her statement under Section 164 Cr.P.C. has not taken the name of this petitioner.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it appears from the statement of the victim girl under Section 164 Cr.P.C. that she was forcibly taken to the house of one co-accused Raju where she was kept for whole night and it was Raju



who had forcibly established physical relationship with her and there is no allegation against this petitioner of either playing an active role in the kidnapping of the victim girl or in doing any wrongful act with her, co-accused having already been granted bail and the petitioner having remained in custody since 19.06.2019, there being no criminal antecedent of the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dalsingsarai in connection with Ujiyarpur P.S. Case No.132 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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