

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6644 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- KUTUMBA District- Aurangabad

BIRCHAND MAHTO @ VIRENDRA MAHTO Son of Late Swarath Mahto
Resident of Village - Bhaluwar Kala, P.S.- Amba, Dist.- Aurangabad. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 364/34 of the Indian Penal Code.

The prosecution case in short is that the husband of
the informant was forcibly kidnapped by the accused persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 2.11.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been



submitted in the present case. The petitioner is not named in the F.I.R. On recovery, the statement of the victim has been recorded under Section 164 Cr.P.C. in which he has not named the petitioner. The name of the petitioner has transpired on the basis of confession of co-accused. Except for this, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R..

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 161 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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