

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17845 of 2020**

Arising Out of PS. Case No.-180 Year-2018 Thana- SAHPUR District- Patna

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MUKESH KUMAR @ MUKESH SAO @ MUKESH SAH Son of Suresh
Sao @ Shatrughan Sao Resident of Village-Saria, Police Station-Maner,
District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

This is an application for grant of regular bail to the

petitioner in connection with Sahpur P.S. Case No. 180 of 2018

registered for the offence punishable under Sections 366, 494

and 498 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. It is submitted that the petitioner is said to have taken

away the victim widow lady along with her two daughters on

the pretext of providing a job on 30.05.2018 but her statement



under Section 164 Cr.P.C. has been recorded only 16.11.2019 after much delay in which the victim lady stated that she had fled after ten days and went to her maike. It is further submitted that the allegation of involvement in criminal activities is palpably false.

Learned APP has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the first information report the petitioner is said to have taken away the victim widow lady along with her two daughters on the pretext of providing her a job on 30.05.2018, however, in her 164 Cr.P.C. statement recorded on 16.11.2019 i.e. about more than one and half year after the alleged date of occurrence the victim lady has stated that she was taken by this petitioner and was beaten by him for about ten days but thereafter she had fled away and came back to her maike, the submission being that the 164 Cr.P.C. statement has been recorded after a delay of one and half year only in order to falsely implicate the petitioner who is otherwise innocent and no case under sections 494 and 498A IPC would be made out against him as also that the petitioner has no criminal antecedent



and the allegation that he has been involved in criminal activities and was sent to jail in 2-3 cases are palpably false and baseless, let the petitioner above named be released on bail in connection with Sahpur P.S. Case No. 180 of 2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.C.J.M. I, Danapur, Patna, subject to the conditions as laid down under Section 437(3) of the 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, or 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

