

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12117 of 2020**

Arising Out of PS. Case No.-400 Year-2019 Thana- BAKHARI District- Begusarai

RADHE MAHTON @ RADHE SHYAM MAHTO Son of Chhotan Mahto
Resident of Village - Mahadeo Chak, Ward No.-1, P.S.- Bakhri, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

3 04-06-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

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

Petitioner, who is in custody, seeks bail in a case registered for the offence punishable under Sections 341, 354(A), 354(B), 504, 506 of the I.P.C. and 8 of POCSO Act and 3(i)(r)(s)(wi) 3(2)(va) SC/ST Act.

Informant is the mother of victim, who in her written complaint has alleged that on 10.12.2019 at about 12.00 PM while her minor daughter Soni Kumari was returning home after taking medicine, petitioner kidnapped her on the point of pistol



and disrobed her and also tried to outrage her modesty. It is further alleged that she was assaulted and abused her by her caste name and also threatened of dire consequence by the petitioner.

It has been submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case. It has been further submitted that occurrence took place on 10.12.2019 but FIR was lodged on 15.12.2019 after delay of five days without any explanation. Petitioner and informant are co-villagers and some dispute was taken place due to wages and they compromised the matter. Petitioner has no criminal antecedent and is in custody since 16.12.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Bakhri P.S. Case No. 400 of 2019 subject to the conditions that:-

(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 properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at 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)

veena/rajiv-

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