

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23163 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- GARKHA District- Saran

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Mantu Kumar Son of Bhageran Ray Resident of Village-Mahamada, P.S.- Garkha, District-Saran	... Petitioner
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Versus

The State of Bihar	... Opposite Party
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Appearance :

For the Petitioner	:	Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party	:	Mr. Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-09-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the
offence punishable under sections 366A/34 of the Indian Penal
Code.

Prosecution's case, in brief, is that 16 years old
daughter of the informant was kidnapped by four accused
persons including the petitioner with an intention of marriage.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He submits
that the victim is major as per medical report and as per the
death of birth mentioned in her Aadhar card as 1.1.2002. He
refers to section 164 Cr.P.C. statement of the victim (Annexure
2) in which she has stated that on the scoldings of her mother,
she had gone to the house of her Mausi and now she has
returned to her house at her own sweet will. She has further
stated that she wants to live with her parents at her house.
Victim has not supported the allegation of kidnapping in her
aforesaid statement. Petitioner has got no criminal antecedent
and he is in custody since 4.3.2020.



In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 14, Saran at Chapra in Garkha Police Station Case No. 107/2020, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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