

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33023 of 2021

Arising Out of PS. Case No.-452 Year-2020 Thana- BAKHARI District- Begusarai

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DHARAMBIR KUMAR MAHTO @ DHARAMBIR KUMAR SON OF
LAXMI MAHTO @ LAXMI SINGH R/O VILLAGE- HARIPURA, P.S.-
ALAUJI, DIST.- KHAGARIA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bakhri P.S.
Case No. 452 of 2020 registered for the offences punishable
under Section 365 of the IPC.

According to prosecution case, the informant alleges
that his daughter and her friend Sita Kumari had been traceless
since 07.11.2020 at about 4:00 A.M. and he had apprehension
that the petitioner with whom they had been in talking term had
instigated them to leave the house.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence whatsoever alleged in the FIR and he has falsely been implicated in the present case. Learned counsel further submits that victim girls voluntarily returned to their house and thereafter their statements under Section 164 Cr.P.C. have been recorded in which victim girls stated that they had not been kidnapped by any person. Petitioner is in custody since 09.11.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 452 of 2020, subject to 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 absence on two



consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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