

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31830 of 2021**

Arising Out of PS. Case No.-59 Year-2015 Thana- RASULPUR District- Saran

BHOLA MAHTO S/o Late Sheoji Mahto R/o village- Mahammadpur, P.S.-
Manjhi, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr. Gauri Shanker Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-08-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 366A of the Indian Penal Code.

As per the prosecution case, the accused persons kidnapped the minor daughter of the informant.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR and name of petitioner transpired in this case during the course of investigation in the statement of victim recorded u/s 164 of the Cr. P. C. It is submitted that the victim in her statement u/s 161 of the Cr. P. C. before the police did not name the petitioner but in her statement u/s 164 of the Cr. P. C. she named the petitioner on the pressure of her family members. Similarly situated co-accused, Manoj Mahto, has already been granted bail by a co-ordinate Bench of this court vide order dated 28.03.2016 passed in Cr. Misc. No. 5577/2016. Petitioner is in custody since 05.02.2021 and charge sheet has already been submitted in this case.



Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Chief Judicial Magistrate-11, Saran at Chapra in connection with Rasulpur PS case No. 59/2015 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)

BKS/-

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