

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33580 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- BAIRIYA District- West Champaran

VINOD MAHTO Son Of Late Jagdeo Mahto Resident of Village - Tilangahi
Madhurbana (Chauswa), Tola Ward No.1, P.S.- Bairiya, Distt.- West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anant Kumar Mishra, Mr. Sanjay Kumar No 7, Advocates.
For the Opposite Party/s :	Mr. Anant Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2021 Heard Mr. Anant Kumar Mishra, learned counsel for
the petitioner and Mr. Anant Kumar-1, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Bairiya PS Case No. 102/2020 registered for the offence
punishable under Section 366(A)/34 of the IPC and
subsequently added Section 8 of the POCSO Act.

As per prosecution case, co-accused, namely, Mithu
Chaudhary with the help of one Ekbali Chaudhary abducted the
daughter of the informant for marriage.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has been made accused merely on the basis of suspicion
that he might have helped the co-accused in abducting the



daughter of the informant. Learned counsel next submits that the statement of the victim girl was recorded under Section 164 of the CrPC in which she has stated that the motorcycle, on which she was taken to Nepal by Mithu Chaudhary, was being driven by the petitioner. She has also stated that no physical relationship was established with her by any of the accused persons.

Learned counsel next submits that co-accused, Mithu Chaudhary, having direct allegation of abduction, has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 536/2021 and other two co-accused persons namely, Ekbal Choudhary and Gulli Choudhary have also been granted bail by a Bench of this Court *vide* Cr. Misc. No. 48835/2021.

It is further submitted that the petitioner is in custody since 30.09.2020 and the charge-sheet has already been submitted in the matter.

Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have already been granted bail by Co-ordinate Benches of this Court, the victim girl has not stated anything against the petitioner in her statement recorded under Section 164 CrPC except that the



motorcycle was being driven by the petitioner, he is in custody since 30.09.2020 and the charge-sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, VINOD MAHTO 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 learned 7th Additional District & Sessions Judge-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Bairiya PS Case No. 102/2020.

(Anil Kumar Sinha, J)

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