

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9131 of 2021**

Arising Out of PS. Case No.-115 Year-2020 Thana- DEWARIA District- Muzaffarpur

Kanhai Mahto @ Kanhaiya Mahto Son of Rameshwar Mahto, resident of village - Dumari Parmanandpur, P.S.- Deoriya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 05-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Deoriya P.S. Case No. 115 of 2020 registered for offence punishable under sections 452, 354(A), 354(B) and 354 (D) of the Indian Penal Code.

There is an allegation that the petitioner was flirting with the informant and thereafter fearing social stigma, she had



gone to her maternal house in Motihari. Two days later, it is alleged that the petitioner went to Motihari and also started using inappropriate language against the informant.

The petitioner's counsel submits that there is inordinate delay in lodging the prosecution which is suggestive of the falsity. It is submitted that the petitioner has no criminal antecedent and was working as labourer. It is only when he raised his demand for wages that the petitioner has falsely been implicated in this case. Though there is an allegation that the petitioner had gone to district Motihari where he was caught by the informant's family, he has however been handed over to the police in Muzaffarpur where the case has been lodged. The petitioner's counsel submits that under such circumstances the petitioner is in custody since 27.08.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in Deoriya P.S. Case No.115 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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