

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9957 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- JOGAPATTI District- West Champaran

1. NIRANJAN MAHATO @ MANORANJAN MAHATO @
MANORANJAN S/o Shivbalak Mahto R/o Village - Laxmipur, P.S. -
Yogapatti, District - West Champaran.
2. SHIVBALAK MAHATO S/o Banshi Mahato R/o Village - Laxmipur, P.S. -
Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for
the offence under Sections 363, 366A, 504/34 of the Indian
Penal Code and Section 12 of POCSO Act and Sections 3(i)(r)
of SC/ST (POA) Act.

The daughter of the informant is said to have been
abducted by the petitioners and their associates for the
purpose of performing marriage to one Gulshan Kumar.

Learned counsel appearing for the petitioners
submits that the petitioners, who are of clean antecedent,
are innocent and have falsely been implicated in this case



only on the basis of suspicion. He further submits that in fact the victim has been recovered and her statement has been recorded under Section 164 Cr.P.C. in which she has not stated anything against the petitioners. He further submits that the victim in her statement has categorically stated that she herself gone to her Mausi (aunt), therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioners. The petitioners are rotting in judicial custody since 04.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Yogapatti P.S. Case No. 428 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without



sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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