

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10923 of 2022

Arising Out of PS. Case No.-58 Year-2019 Thana- MEHANDIA District- Jehanabad

Amresh Kumar Mehta Son of Fekan Mahto Resident of Village - Karma
Basant Pur Tola Bodhi Bigha, P.S. Simra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the State : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mehandia
P.S. Case No. 58 of 2019 registered for the offence under
Sections 363 and 366(A) of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 20.10.2020.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 15 years, for the
purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that as victim was in friendly terms with the



petitioner, he has been falsely implicated under misconception of the fact. It is also submitted that victim denied the allegation of kidnapping and sexual assault through her statement recorded u/s 164 of the Cr.P.C. It is pointed out that victim has already been examined by the learned Trial Court, where she failed, even, to identify this petitioner. It is further submitted that in view of the deposition of the victim before the learned Trial Court, no further purpose of justice shall be served by keeping this petitioner behind the bar for any further period of time. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that victim denied the allegation of rape and kidnapping through her statement recorded u/s 164 of the Cr.P.C.

In view of the facts and circumstances, as mentioned above, as victim denied the allegation of rape and kidnapping through her statement recorded u/s 164 of the Cr.P.C and by taking note of the deposition before the learned Trial Court coupled with the fact that chargesheet has been submitted, let



the petitioner, above named, who is in custody since 20.10.2020, is directed to be released on bail in connection with Mehandia P.S. Case No. 58 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Jehanabad/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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