

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16406 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- AMBA District- Aurangabad

=====

MUKESH KUMAR MEHTA S/o Binod Kumar Verma R/o Village- Telhara
Bigha, P.S.- Amba, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Renu Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Amba P.S. Case No. 05 of 2022 for the offences under
Sections 366 and 34 of the Indian Penal Code.

The allegation against the petitioner is that he
kidnapped the daughter of the informant for the purpose of
marriage.

In the case, case diary as also the statement made by
the victim girl under section 164 Cr.P.C. was called for. It has
been received and perused by the learned APP.

Learned counsel for the petitioner submits that two



statements have been made by the victim lady. Under Section 161 Cr. PC., she has stated that she came out of her own and went with the accused and married him at Gaya and thereafter they also had the same stamped by the Executive Magistrate. However, four days later under Section 164 Cr.P.C. she made a statement that the accused-petitioner forcibly put vermilion on her head. He further submits that he has already suffered by being in jail since 10.01.2022 (as stated in paragraph -7 of the bail application).

Taking into account the aforesaid facts that the petitioner is in custody since 10.01.2022, charge sheet stands submitted as also the fact he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad. in connection with Amba P.S. Case No. 05 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

