

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32446 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Kashi Mahton @ Kashi Mahto Son of Late Lujhan Mahton Resident of
Village- Uda, Pichhwadi Tola, Sonbarsa, P.S.- Udakishunganj District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Ms. Sangita Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with POCSO Case
No. 02 of 2021 arising out of Saharsa Sadar P.S. Case No. 12 of
2021 registered for the offences punishable under Sections 363,
366, 366(A)/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

According to prosecution case, as per F.I.R., petitioner
along with other alleged to have kidnapped the minor victims.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the ground that the son of the petitioner his name accused in the present F.I.R. He further submits that in fact the son of the petitioner namely Ajay Kumar having love affair with the niece of the petitioner only on that basis the petitioner has been falsely implicated in the present case. The petitioner is in custody since 18.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-I-cum-Special Judge (POCSO), Saharsa in connection with POCSO Case No. 02 of 2021 arising out of Saharsa P.S. Case No. 12 of 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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