

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24525 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- CHORAUT District- Sitamarhi

Manoj Kumar @ Manoj Sah Son of Mahesh Sah Resident of Village -
Charout, P.S.- Choraut, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajkumar Mahto Son of Ramprasad Mahto Resident of Village - Verma,
P.s.- Choraut, Distt.- Sitamarhi, Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29234 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- CHORAUT District- Sitamarhi

Rohit Khatwe Son of Vijay Chaupal R/o Village - Charout, P.S.- Choraut,
District - Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajkumar Mahto Son of Ramprasad Mahto (Informant), Village - Verma,
P.S.- Choraut, District - Sitamarhi, Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24525 of 2022)

For the Petitioner/s : Mr. Satish Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 29234 of 2022)

For the Petitioner/s : Mr. Satish Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 10-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Choraut P.S. Case No. 45 of 2022 lodged under Sections 366/34 of the I.P.C. and Section 10, POSCO Act.

As per the prosecution case, the allegation of kidnapping 17 years old minor daughter of the informant, is there against the accused petitioners. They were seen by the people nearby taking the informant's daughter on motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 09.03.2022 having clean antecedent and charge sheet has already been filed in this case. He also submits that upon minute reading of the F.I.R., it transpires that the present F.I.R. lodged on hearsay material. Learned counsel further submits that the alleged kidnapped victim has been recovered and she has narrated her statement under Section 164 of Cr.P.C. Case diary and Section 164 statement has been called for and there is no material against the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that in the statement 164 of Cr.P.C., the alleged victim has not made allegation against anyone and she has narrated that due to tortures made by her father, she herself went

to the house of her maternal uncle at Madhubani.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-special Judge (POSCO), Sitamarhi, Bihar in connection with Choraut P.S. Case No. 45 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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