

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26604 of 2022

Arising Out of PS. Case No.-241 Year-2020 Thana- SURYAGARHA District- Lakhisarai

Raushan Kumar @ Raushan Mahto Son Of Sanjay Mahto R/O Village-
Purana Salempur, P.S.- Suryagadha (MANIKPUR), District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Suryagadha (Manikpur) P.S.Case No. 241
of 2020 for the offences punishable under Sections 366 (a),
34 of the Indian Penal Code.

It is alleged that when 15 years old daughter of the
informant proceeded to the market on E- Rickshaw, the
petitioner taken away the victim on the pretext of marriage.

Learned counsel for the petitioner submits that
during the course of investigation, the statement of the



victim was recorded under section 164 of the CR.P.C in which she has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner and living happily. He further drawn the attention of this court towards deposition made by the parents of the victim as well as other charge sheet witnesses, who have not supported the prosecution case and categorically stated that this FIR has been instituted on misconception. The daughter of the informant has voluntarily left her house and they have not made any allegation against the petitioner. They have also stated that after solemnization of marriage the victim has also blessed with a son and she is living with the petitioner happily. It is lastly submitted that petitioner having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner, however, he did not confront the fact that informant and other witnesses have not supported the prosecution case.

Regard being had to the depositions of the informant as well as other charge sheet witnesses wherein none of them supported the prosecution case coupled with



the period of incarceration and fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO, Lakhisarai in connection with Suryagadha (Manikpur) P.S.Case No. 241 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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