

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42407 of 2021

Arising Out of PS. Case No.-55 Year-2019 Thana- PARBATTa District- Bhagalpur

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KRISHAN KUMAR MAHTO @ KISHAN KUMAR @ KISHAN MAHTO
Son of Sikander Mahto Resident of Village - Bind Toli, Raghapur, P.S.-
Parbatta, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jay Kumar Mandal Son of Khekho Mandal R/o Village - Bahtara, P.O.-
Raghapur, P.S.- Parbatta, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Preety Kunwar, Advocate. Mr. Diwakar Upadhyaya, Advocate.
For the Opposite Party/s	:	Mrs. Asha Devi, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 09-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection
with Parbatta P.S. Case No. 55 of 2019, for the offence
punishable under Sections 363 and 366A/34 of Indian Penal
Code and Section 8 of the POCSO Act.

The allegation against the F.I.R. named accused
persons including the petitioner is that they had kidnapped the
minor daughter of the informant.

Ms. Preety Kunwar, learned counsel appearing on



behalf of the petitioner submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she has not made any allegation of having been sexually assaulted rather she had stated that she was enticed by the present petitioner and both of them accompanied to Himachal Pradesh and lived there for 3-4 months together. She had resisted to stay there any more with the petitioner, but the allegation is that the petitioner had threatened her that he will not take her to her parents. It is only after the petitioner was informed that a case has been lodged against him, he released the victim. No allegation of sexual assault has been made by the victim girl against the petitioner. Petitioner is in custody since 28.12.2020.

Without going into the merits of the case, the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of the parents of the victim and the petitioner as well as the other necessary witnesses and shall pass a fresh order in accordance with law without being prejudiced by the earlier order dated 18.06.2021. The said exercise be done within a period of three months.

If the Court below is, prima facie, satisfied to release the petitioner on bail, the petitioner, above named be released



provisionally on such terms and conditions as the court below may deem fit and proper and if the court below finds the conduct of the parties satisfactory, the provisional bail of the petitioner shall be confirmed after any period as fixed by the court below.

Accordingly, with the above observation and direction, the present petition is disposed of.

(Purnendu Singh, J.)

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