

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55510 of 2021**

Arising Out of PS. Case No.-106 Year-2021 Thana- BELA District- Sitamarhi

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Sunil Kumar @ Sunil Kumar Mahto Son of Raj Kishor Mahto Resident of
Village- Sirisiya Bazar, P.S.- Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 18-05-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Shankar Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of regular bail to the
petitioner, above named, who has been made accused and put
behind the bar in connection with Bela P. S. Case No. 106 of
2021 registered for the offences punishable under Sections 363,
366 (A), 341, 323, 504, 506 read with 34 of the Indian Penal
Code.



As per the prosecution case, it is alleged that the daughter of the informant, aged about 16 years went to bring fodder for the cattle, in the meanwhile, four F.I.R. named accused persons enticed the daughter of the informant and taken away. It is further alleged that when the informant suspected the hands of co-accused and went to the house of co-accused Ranjeet Kumar, his father threatened him with dire consequences.

Learned counsel appearing on behalf of the petitioner submits that during the course of investigation the victim girl has been recovered and her statement has been recorded under Section 164 Cr.P.C. on 03.12.2021 but she did not allege any involvement of this petitioner. The victim has categorically stated before the learned Magistrate that she voluntarily left her house and went along with co-accused Ranjeet Kumar and thereafter, she solemnized marriage with him at New Delhi and stated living with him. The victim also refuse to get herself medically examined by the doctor and stated that she does not want to go with her parents.

On the other hand, learned APP for the State fairly submits that the statement of the victim has recorded under Section 164 Cr.P.C. wherein she has not alleged a word with



regard to the involvement of this petitioner in the present occurrence.

Having considered the submissions made on behalf of the parties and taking into account the statement of the victim wherein she has not stated regarding involvement of this petitioner; apart from the fact that this petitioner is in custody since 02.06.2021, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Bela P. S. Case No. 106 of 2021, subject to the condition that one of the bailors will be the close relative 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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