

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58842 of 2021

Arising Out of PS. Case No.-724 Year-2020 Thana- MAJHAULIA District- West Champaran

RAJU MAHATO @ RAJU KUMAR @ RAJA Son of Mahendra Mahto
Resident of Village - Piparpati, P.s.- Ramgarhva, Distt.- West Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code read with Section 12 of the POCSO Act and Section 3(i)(r) of SC/ST Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that her daughter had gone to attend nature's call on 20.10.2020 at 04:00 A.M. but did not return and on search she came to know that the petitioner along with named accused persons had kidnapped her daughter with an intention to marry or to do indecent act.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the



victim has returned and in her statement under Section 164 of the Cr.P.C. she has not supported the prosecution case and is presently staying with the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the statement under Section 164 Cr.P.C. is not on record.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhauiliya P.S. Case No. 724 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned court below before accepting the bail bonds of the petitioner shall satisfy itself with regard to the statement of the victim under Section 164 Cr.P.C. If in her statement under Section 164 Cr.P.C she has not supported the prosecution case then the present order would be acted upon and in the event, if she has supported the prosecution case, the



present order shall not be acted upon.

The learned court below before accepting the bail bonds shall also call the victim just to verify whether she is staying with the petitioner or not. In the event, if she is not staying with the petitioner then also the present order shall not be acted upon.

(Satyavrat Verma, J)

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