

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58483 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- LADANIA District- Madhubani

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Ram Nath Mahto S/O Parshu Ram Mahto R/O Village-Bhutha, P.S- Ladaniya,
District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-04-2022 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 Ladaniya P.S.Case No. 207 of 2021 for the offences
punishable under Sections 363, 366A, 34 of of the Indian Penal
Code.

As per the prosecution case, It is alleged that on
6.07.2021, the daughter of the informant went for nature call
and when she did not return, the informant made search
whereupon , he came to know that this petitioner has taken away
his daughter for the purpose of marriage.

Learned counsel for the petitioner submits that just



on the next day the girl return to her home thereafter, her statement was also recorded under section 164 of the Cr.P.C as contained in Annexure-2 to this petition. In her statement she categorically stated that she voluntarily went along with the petitioner and none has kidnapped her only because of the fact that while returning to her home night occurred and as such she stayed in the house of sister of the petitioner except that there is no allegation whatsoever. It is next submitted that age of the girl has been assessed as 17 years and from the impugned order, it appears that she refused to get her examination by medical board. It is next submitted that the petitioner having no criminal antecedent and is in custody since 10.07.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that victim is minor girl.

Having heard the rival contentions of the parties and taking into consideration the fact that, there is no element of enticement on the part of the petitioner, which attract section 366A of the I.P.C. Apart from the fact the statement of the victim, in which she stated that she voluntarily went along with the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, 1st class Madhubani in connection with Ladaniya P.S.Case No. 207 of 2021, 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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