

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59900 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Jainandan Mahto Son of Rajendra Mahto Resident of Village - Runni Saidpur,
P.S.- Runni Saidpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate.

For the Opposite Party/s : Mr. Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anil Chandra , learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Runni Saidpur P.S. Case No. 119 of 2021, for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code. Later on, Section 376 of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offenses Act, has been added vide order dated 01.06.2021.

The prosecution case is based on a written complaint filed by the informant alleging therein that on 16.02.2021 the daughter of the informant aged about 14 years had gone to see



Saraswati Puja but she did not return. In course of search the informant came to know that all the co-accused persons including the petitioner and his son abducted her daughter with intention to marry.

It is submitted by the learned counsel appearing on behalf of the petitioner that petitioner who happens to be father of co-accused Pintu Kumar, against whom there is specific allegation, has been made accused in this case and save and except, he being name lender there is no material against him. He further submitted that during the course of investigation the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C., wherein she has not made any allegation against the petitioner, rather specific allegation has been leveled against co-accused Pintu Kumar, who has committed wrongful act with the victim girl. He also submitted that in fact it is the petitioner and his wife on whose assistance and pressure the victim girl was recovered, however, only he being father of the co-accused Pintu Kumar his name has been implicated. He last submitted that the petitioner having fair antecedent, is in custody since 11.07.2021 and he is ready to give undertaking that he will fully cooperate in the trial.

On the other hand learned APP for the State



vehemently opposes the bail application and submitted that the complicity of the petitioner cannot be ruled out, as certain materials have also come against the petitioner during the course of investigation.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 of Cr.P.C. wherein specific allegation has been leveled against co-accused Pintu Kumar and moreover, the petitioner having fair antecedent, is in custody since 11.07.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Special Judge, Sitamarhi, in connection with Runni Saidpur P.S. Case No. 119 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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