

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71151 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- NAUTAN District- Siwan

Arjun Mahto Son of Late Sati Lal Mahto @ Satee Lal Mahato Resident of
Village - Pachlakhi, P.S.- Nautan, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2022 Heard Mr. Pritesh Ranjan, Advocate on the

instruction of Mr. Bijay Prakash Singh, learned counsel for the

petitioner has appeared in this Court as also Mr. Uday Pratap

Singh, the learned APP for the State.

The petitioner is in judicial custody in connection
with Nautan P.S. Case No. 55 of 2021 registered under section
366(A), 34 of the Indian Penal Code.

As per the complaint made by the informant whereby
he has alleged that on 21.7.2021, the family of the informant
found their minor daughter missing from the home and
subsequently, got knowledge that one Promod Mahto, the
petitioner herein had taken her away along with cash amount
and some gold ornaments. Accordingly, he went to the police
station and the FIR in question was lodged.



Learned counsel for the petitioner submits that he is the father of the accused Pramod Mahto and has nothing to do with the alleged incident of taking away the victim girl from her house by his son. He further submits that he has no criminal antecedent and is in jail since 15.4.2021.

Considering the fact that the informant has alleged the role of Promod Mahto in the disappearance of her minor daughter, the petitioner is the father of said Promod Mahto, is in jail since 15.4.2021 and has no criminal antecedent as also the fact that charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan, in connection with Nautan P.S. Case No. 55 of 2021 subject to the following conditions:-

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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