

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70964 of 2021

Arising Out of PS. Case No.-469 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Dharmendra Mahto @ Dharmendra Kumar, Son of Arun Kumar, Resident of
Village - Kanauj, Police Station - Gopalpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Ramkrishna Nagar P.S. Case No. 469 of 2019
registered for the alleged offences under Sections 363/376 of the
Indian Penal Code.

As per prosecution case, the minor daughter of the
informant went missing. Later on, she was recovered and the
name of the petitioner transpired along with other co-accused
persons who were instrumental in taking away the daughter of
informant and the co-accused Vikas Yadav allegedly raped her.

Learned Sr. counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The victim girl recorded her statement under Section 164 Cr.P.C. and though she named this petitioner but no overt act has been attributed to the petitioner. It is also apparent from the aforesaid statement that the petitioner was not present at the time of occurrence. Moreover, allegations are general and omnibus against this petitioner and other co-accused persons except co-accused Vikas Yadav and there is no cogent evidence against this petitioner. Having realized the fact, a compromise has been entered into by the parties and a compromise petition has been filed before the learned trial court. Moreover, no offence under Section 376 IPC is made out against this petitioner for which allegation is specific against co-accused Vikas Yadav. Similarly placed co-accused Shivam Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 01.06.2020 passed in Cr. Misc. No. 10364 of 2020. The petitioner is in custody since 12.09.2021 and charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the allegations against the petitioner, as it transpires from the



statement under Section 164 Cr.P.C. of the victim girl, are not serious and similarly placed co-accused has been granted bail and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Patna, in connection with Ramkrishna Nagar P.S. Case No. 469 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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