

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6204 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- SUGAULI District- East Champaran

KAILASH MAHATO Son of Raghunath Mahato Resident of Village - Shri
Khandi, P.S.- Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in brief, is that the informant alleged that his daughter, aged about 14 years, went to nature's call but she did not return. Thereafter, the informant came to know that her daughter has been kidnapped by the co-accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of Case diary, it appears that the victim girl was recovered and her statement



has been recorded under section 164 of Cr.P.C., wherein, she did not support the prosecution version and stated that she went from her home and solemnized marriage with co-accused Vinod Mahto out of her own sweet will in a temple situated in Haryana. The victim girl did not whisper any complicity of the petitioner in as alleged offence. Moreover, the petitioner has got no criminal antecedent and languishing in judicial custody since 25.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sugauli P.S. Case No. 297 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. Sessions Judge-cum-Special Judge POCSO Act, Motihari at East Champaran.

(Sunil Kumar Panwar, J)

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