

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16595 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- BARAUNI District- Begusarai

BALRAM KUMAR @ BALRAM KUMAR MAHTON Son of Ashok Mahto
@ Ashok Mahton Resident of village - Keshawe (Kesabe), Ward No.- 15,
P.S.- Barauni (Refinary O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 25.10.2022 in connection with Barauni P.S. Case No. 480/2022, F.I.R. dated 19.10.2022, for the offences punishable under Sections 364, 366(A) and 34 of the IPC.

According to prosecution case, the petitioner along with other co-accused are alleged to have kidnapped the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.10.2022.



Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that the petitioner, who is driver of the vehicle has kidnapped her along with other co-accused persons but fairly submits that the victim has not stated anything about the sexual assault but submits that the victim was minor at the time of occurrence.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Vikash Kumar, J.M. 1st Class, Begusarai, in connection with Barauni P.S. Case No. 480/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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