

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28724 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- BAIRIYA District- West Champaran

1. Bali Ram Prasad @ Baliram Prasad @ Valiram Mahto @ Valiram Prasad @ Baliram Mahto And Another S/O Late Kamal Mahto Vill Pokhariya Teliya Tola
2. Arvind Kumar @ Bhola Mahto @ Arun Mahto S/O Bali Ram Prasad Resident Of Village- Pokhariya Teliya Tola P.S. Bairiya Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      03-10-2023                      Learned counsel for the petitioners does not want to press this application with regard to petitioner no. 2.

2. Accordingly, this application, with regard to petitioner no. 2 is dismissed as not pressed.

3. However, if the petitioner no. 2 surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the victim, in her statement recorded under Section 164 of the Cr.P.C., has not supported the prosecution case.

4. Heard learned counsel for the petitioner no. 1 and



learned Additional Public Prosecutor for the State.

5. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 366(A) of the Indian Penal Code and Section 12 of the POCSO Act.

6. Petitioner along with other accused persons are said to have kidnapped the daughter of the informant.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that occurrence took place on 23.12.2021 but the FIR has been lodged on 08.01.2022 after delay of 16 days without explaining any reasonable cause of delay. He submits that there is general and omnibus allegation levelled against the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

8. Learned APP for the State opposes the prayer for bail.

9. Considering the facts and circumstances of the case, let the above named petitioner no. 1 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bairiya P.S. Case No. 10 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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