

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36058 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- BARAULI District- Gopalganj

SHRAWAN MAHTO @ SHARAWAN MAHTO Son of Babulal Mahto
Resident of village - Bada Badheya, P.S. - Barauli, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-06-2023 The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with S.T. No. 522 of 2022 arising out of Barauli P.S. Case No. 199 of 2022 registered under Section 366(A) of the Indian Penal Code inasmuch as the earlier prayer of the petitioner for grant of bail was disposed off as not pressed by this Court vide order dated 20.01.2023 passed in Criminal Misc. No. 57108 of 2022.

The petitioner is alleged to have kidnapped the minor victim girl, however, it is the case of the petitioner that the victim girl had voluntarily fled away with the petitioner and married him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 23.07.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the impugned order dated 20.08.2022 would show that the statement of the victim girl was recorded under Section 164 Cr.P.C. by the learned Magistrate, wherein the victim girl has denied her kidnapping by anyone and on the contrary she has stated that she has voluntarily gone with the petitioner and married him. It is also submitted that this Court by the aforesaid order dated 20.01.2023 had also granted liberty to the petitioner to renew his prayer for bail after framing of charges by the learned trial court, which has now stood framed by an order dated 24.11.2022 passed by the learned trial court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the victim girl, in her statement made under Section 164 Cr.P.C. before the learned Magistrate has denied her kidnapping apart from the fact that the petitioner is having a clean antecedent and this Court had by the aforesaid order dated 20.01.2023 granted liberty to the petitioner to renew his prayer for bail immediately upon framing of charges which has now stood framed on 24.11.2022, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I, Gopalganj in connection with Sessions Trial Case No. 522 of 2022 arising out of Barauli P.S. Case No. 199 of 2022.

(Mohit Kumar Shah, J)

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