

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46315 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- KATRA District- Muzaffarpur

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MOHIT DAS Son of Ayodhi Das Resident of Village - Ufrauli, P.S.- Katra,
District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363,366A, 34 of IPC.

The prosecution case, in short, is that on 01.01.2020,
accused persons including the petitioner are alleged to have
kidnapped the minor daughter (the victim) aged about 12 years
for the purpose of her marriage.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case only on the basis of suspicion.
Further submits that it appears from the FIR that the date of
occurrence as alleged in the FIR is 01.01.2020 but the present
FIR has been instituted on 12.01.2021 after delay of more than



one year without giving any explanation of delay. Further submits that from perusal of the FIR it appears that the informant was knowing that the petitioner and other co-accused persons have abducted the daughter of the informant but the informant has not lodged any FIR on time, he lodged the FIR after expiry of more than one year. Further submits that there is no eye witness to support the case of the prosecution. Further submits that during investigation no other cogent material has come during investigation against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 court below where the case is pending in connection with Katra P.S.Case No.12 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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