

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47600 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- MEHSI District- East Champaran

VIPIN KUMAR @ VIPIN MAHTO S/O RAJENDRA MAHATO @
RAJENDRA MAHTO R/O Village- Partapur, P.S- Mehshi, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
08.05.2023, in connection with Mehshi P.S. Case No. 119 of
2023, F.I.R. dated 01.05.2023 registered for the offences
punishable under Sections 363, 366(A) of the Indian Penal Code
and Section 8 of the POCSO Act.

3. Allegation against the petitioner is that he and
other co-accused persons kidnapped the informant's minor
daughter aged about 14 years who had gone to fetch water from
the handpump situated outside her house, under a conspiracy.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. He further submits that from a bare perusal of the F.I.R. it appears that the alleged date of occurrence is 19.04.2023 but the present F.I.R. was instituted on 01.05.2023 after delay of about 12 days without giving any explanation of delay. He further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the petitioner and she has not stated any sexual assault against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the said case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran in connection with



Mehsi P.S. Case No. 119 of 2023, 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 witness, 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 antecedents, 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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