

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52647 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

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FEKU MAHTO, S/O LATE KISHUN MAHTO, Resident of village- Dashai,
P.S.- Runni Saidpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Runni Saidpur P.S. Case No. 189 of 2022 registered for the offences punishable under Sections 363, 365, 366A, 342/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that his minor grand-daughter was kidnapped by Arvind Mahto and three unknown boys and she was kept in the house of Arvind Mahto. It is further alleged that in the night when the grand-daughter of the informant regained



consciousness, she found that the petitioner and his wife were present there and again the mother of Arvind Mahto gave something and again she became unconscious and thereafter when in the next time she regained consciousness she found herself in her house and she was made to know that her grandfather and uncle took her in the house. Her grand-mother made her aware that there was blood-stains on her clothes which transpires that something wrong was happened with her.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being only the father of co-accused Arvind Mahto has been made accused in this case. However, even as per the allegation and the materials available on record, it appears that there is no allegation that the petitioner has committed any overt act, much less any indecent/misbehaviour with the victim girl. He further submits that the statement of the victim was recorded by the investigating officer where she herself stated that the alleged occurrence took place on 23.03.2022 and thereafter she came to her house on 26.03.2022, but surprising this F.I.R. has been instituted on 15.04.2022 and the reason for delay has not been explained. He lastly submits that the petitioner and all his family members have been made accused in this case on account of enmity



cropped up due to election, however, the petitioner having fair antecedent is in custody since 06.05.2022 and moreover the charge-sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that ample material has come during the course of investigation suggesting the complicity of the petitioner in the present case.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fair antecedent of the petitioner and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, (POCSO Act), Sitamarhi in connection with Runni Saidpur P.S. Case No. 189 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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