

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53277 of 2022

Arising Out of PS. Case No.-71 Year-2019 Thana- KRITYANAND NAGAR District- Purnia

MUNNA MAHTO @ MANNA MAHTO SON OF SRI RAJO MAHTO R/O
VILLAGE- AMOL, P.S.- FALKA, DIST.- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr.Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 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. Amit Kumar Anand, learned counsel appearing for the petitioner and Mr. Satyendra Narain Singh, learned APP for the State.

This is an application for grant of bail to the petitioner in connection with K. Nagar P.S. Case No. 71 of 2019 for the offences punishable under Sections 363, 366(A), 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 27.02.2019 at about 03.30 p.m. the minor daughter 'X' of the informant has gone to Kajha Chowk but did not return. During search the informant came to learn that co-accused, Kumod



Kumar Mukhiya @ Chotu, had enticed and kidnapped her with the help of the petitioner and others. When the informant went to their house the mother of the co-accused abused him and threatened him with dire consequences.

Learned counsel appearing for the petitioner submits that from the first information report it is evident that the specific allegation has been levelled against co-accused, Kumod Kumar Mukhiya @ Chotu, and so far the petitioner is concerned he being friend of Kumod Kumar Mukhiya @ Chotu, his name has been implicated in this case though the petitioner has no concern with the present matter. He next submits that considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code wherein specific allegation has been levelled against co-accused, Kumod Kumar Mukhiya @ Chotu, other co-accused persons have been allowed the privilege of anticipatory bail by co-ordinate Bench of this Court in Cr. Misc. No. 43590 of 2019 vide order, dated 16.07.2019. Further the occurrence is said to have taken place on 27.02.2019, but, surprisingly the first information report has been instituted on 01.03.2019 without assigning any reason for delay. He lastly submits that the petitioner having fair antecedent is in custody since 05.07.2022 and the investigation



is complete and charge sheet has been submitted much earlier.

On the other hand learned counsel appearing for the State opposed the bail application and submits that there is specific allegation against the petitioner that he along with Kumod Kumar Mukhiya @ Chotu took away minor daughter of the informant.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim wherein no specific allegation has been levelled against the petitioner coupled with the fact that other name lenders of the first information report has been allowed privilege of bail, 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 Chief Judicial Magistrate, Purnea, in connection with K. Nagar P.S. Case No. 71 of 2019, 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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