

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54623 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- GOPALPUR District- Bhagalpur

AMAR MAHTO Son of Jaggar Nath Mahto Resident of village - Bindtoli,
P.s. - Gopalpur, Distt. - Bhagalpur Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023 In this case, the bail application of the petitioner was allowed on 25.8.2023 but wrongly case diary was called for. The same is recalled and the order dated 25.8.2023 by which bail was granted stands restored as follows:

"Heard the parties.

The petitioner is in judicial custody in connection with Gopalpur P.S. Case No. 523 of 2022 for the offence punishable under Sections 363, 366(A), 504, 506 and 34 of the Indian Penal Code lodged on 22.10.2022 by the informant, Tilla Devi.

As per the prosecution story, the informant found the victim girl missing and came to know that the petitioner had taken her away which was also admitted by his parents and accordingly, the FIR.

Learned counsel for the petitioner with the help of paragraph nos. 10 to 12 has submitted that the police recovered



the victim girl from Panipat, Haryana on 20.01.2023 and as per her statement under section 161 of the Cr.P.C. and later under section 164 of the Cr.P.C. she started to have been in love with the petitioner and went on her own and has since married him. Further, with the help of paragraph-12, it has been submitted that on medical examination, no external injury was found and her age has been determined between 17 to 19 years.

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner which has been incorporated on affidavit in paragraph nos. 10 to 12 that the victim girl has narrated that she went on her own and married the petitioner, the age has been found to be 17 to 19 years, is in custody since 20.2.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur, in connection with Gopalpur P.S. Case No. 523 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed".

(Rajiv Roy, J)

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