

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57557 of 2022**

Arising Out of PS. Case No.-359 Year-2020 Thana- DALSINGHSARAI District- Samastipur

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SANTOSH KUMAR @ SANTOSH MAHTO S/O SITA RAM MAHTO R/V-  
Bulakipur, Ward no. 12, P.S.- Dalsinghsarai, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      24-01-2023                      Heard Mr. Bhola Prasad, learned counsel for the  
petitioner and Mr. Khurshid Anwar, learned APP for the State.

The petitioner apprehends his arrest in connection  
with Dalsinghsarai P.S. Case No.359 of 2020 instituted under  
Sections 363, 366(A), 34 of Indian Penal Code and 376 of the  
IPC and Section 4 of POCSO Act.

As per the prosecution story, the informant alleged  
that his daughter, Komal Kumari went out to attend the nature's  
call, where the accused persons including the Ankush Sahni  
took her away. Although they were chased by one Lalan Sharma  
they managed to escape. Accordingly, the FIR was lodged.



Subsequently, during investigation, it came to notice that the family members solemnized her marriage with Ankush Sahni and later took her to Jammu where she also became pregnant and subsequently blessed with a child. Later, she returned and under 164 Cr.P.C. made allegation against the accused persons in which it has been stated that this petitioner was driving the motorcycle.

Learned counsel for the petitioner submits that whatever allegation is there that is against the Ankush Kumar. So far as this petitioner is concerned, it is surprising that allegation is that he was driving the motorcycle and the girl was sitting in between the two persons and still she did not raised hue and cry. The last submission is that he has no criminal antecedent and will abide by all the terms and conditions if granted relief.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid fact as also that he do not have criminal antecedent, main allegation is against Ankush Sahni, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of



his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dalsinghsarai P.S. Case No.359 of 2020 to the satisfaction of learned ACJM, Ist, Dalsinghsarai, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her 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 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 the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan /-

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