

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56203 of 2022

Arising Out of PS. Case No.-291 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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1. Veena Devi W/O Sri Maheshwari Mahto
 2. RAJESH MAHTO S/O SRI MOHIT LAL MAHTO
Both Resident of Village- Sri Nagar, P.S.- K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 366(A) and 363 of the Indian Penal Code and added Sections 376(D) and 120(B) of the IPC and Section 4/6 of POCSO Act.

The prosecution case, in short, is that the accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 15 years for the purpose of her marriage.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it



appears from the FIR that there is accusation against both the petitioners is that they helped the co-accused, namely, Sunil Kumar for abducting the victim. Further submits that during investigation no other cogent material has come against both the petitioners and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has not stated anything against both the petitioners and she has specifically stated that co-accused Sunil Kumar has kidnapped and raped her and the police, after investigation, submitted chargesheet against both the petitioners and the petitioners are in custody since 11.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Special (POCSO) Case No.89 of 2022 arising out of K.Nagar (Sri Nagar) P.S. Case No. 291 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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