

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58778 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- JOGAPATTI District- West Champaran

GULSHAN MAHTO @ GULSHAN KUMAR S/o Shivbalak Mahto R/V-
Laxmipur, P.S.- Yogapatti, Distt- West Champaran, Bihar-845452.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Yogapatti P.S. Case No. 428 of 2021, for the offence registered under Sections 363, 366A, 504 and 34 of the Indian Penal Code, Section 12 of POCSO Act and Section 3(1)(r) of SC/ST Act.

The allegation is regarding the accused persons including the petitioner herein having kidnapped the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 17.11.2021. The learned counsel for the petitioner has submitted, by referring to the statement of the victim girl made under Section 164 Cr.P.C., that the victim girl has not supported the case of the prosecution as averred by the informant and has instead stated that on account of her being reprimanded by her parents, she had gone to her aunt house voluntarily and nobody had kidnapped her.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, wherein she has categorically stated that she was not kidnapped by anyone and she had voluntarily gone



to her aunt house, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional District Judge-6th, West Champaran, Bettiah in connection with Yogapatti P.S. Case No. 428 of 2021.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

