

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59857 of 2022

Arising Out of PS. Case No.-341 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

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RAM UDGAR MAHTO S/O RATI MAHTO Resident of village- Marukiya,
P.S.- Andhrathadi, District- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Prasad
For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Sadar

P.S. Case No. 341 of 2016, registered for the offences

punishable under Sections 366(a), 302, and 120(b) of the

Indian Penal Code.

The prosecution case as emerging from the FIR is

that the daughter of informant is a student of Intermediate

and was also pursuing computers at an Institute. It is alleged

that on 03.09.2015, she went to attend her class but did not

return till evening. It is further alleged that the accused-

petitioner and his associates have conspired to abduct the



daughter of the informant.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged after a lapse of one year. He also submits that the main allegation is against Ram Bhagat Mahto who has allegedly kidnapped the victim for marriage and both Ram Bhagat Mahto as well as the alleged victim are still traceless and there is likelihood that they are living together a married life. He also submits that the allegation against the petitioner is based only on suspicion. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 11.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M, Darbhanga in connection with Sadar P.S. Case No. 341 of 2016, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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