

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62455 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- PURUSHOTTAMPUR District- West
Champaran

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RAGHUBIR MAHTO S/O Prabhu Mahto R/O Village- Mahua, P.S-
Purushottampur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Namrata Mishra,Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-03-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 366(A) of IPC and Sections 4/8 of
POCSO Act.

The prosecution case, in short, is that on 15.06.2022,
accused persons including the petitioner are alleged to have
kidnapped the minor daughter (the victim) aged about 14 years
for the purpose of her marriage.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the FIR is false and fabricated, in fact,



the petitioner and the victim was in love and the victim performed the marriage with the petitioner with her own sweet-will on 19.06.2022. Further submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that she was in love with the petitioner and she performed the marriage with the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.08.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 court below where the case is pending in connection with Purushottampur P.S.Case No.63 of 2022 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors should be the victim, namely, Anupriya Kumari, now she is wife of the petitioner.

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