

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63566 of 2022

Arising Out of PS. Case No.-5 Year-2020 Thana- SONBERSA District- Sitamarhi

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Lal Babu Mahto Son Of Shiv Sharan Mahto R/V- Hariharpur, P.S.- Sonbarsa,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Sonbarsa P.S. Case No. 05 of 2020 registered for the offences punishable under Sections 363, 366 (A)/34 of the Indian Penal Code and Section 8 of POCSO Act.

As per the prosecution, the informant's minor daughter was kidnapped by this petitioner along with co-accused persons with the intention to marry her.



The main submissions advanced by learned counsel Mr. Bindeshwar Prasad Singh, appearing for the petitioner are that in the FIR there is no specific allegation against the petitioner and petitioner's entire family has been made accused and the victim has been recovered and has recorded her statement under Section 164 of Cr.P.C. in which she has not supported the allegations of the FIR and one similarly situated co-accused, Ajay Mahto @ Ajay Kumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 33063 of 2022 and the petitioner has been languishing in jail since 11.07.2022. Further submission is that against the petitioner there is criminal antecedent of one case in which he is on bail.

Learned APP Mr. Murli Dhar, appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and also the privilege of bail having been granted to similarly situated co-accused by a co-ordinate Bench of this Court, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in



connection with Sonbarsa P.S. Case No. 05 of 2020.

(Shailendra Singh, J.)

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