

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3376 of 2023

Arising Out of PS. Case No.-27 Year-2020 Thana- SISWAN District- Siwan

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DAROGA MAHTO Son of Narsingh Mahto R/v- Nagai Ramgarh Ke Tola,
P.S.- Siswan (Chainpur O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 165 of 2020 arising out of Siswan (Chainpur O.P.) P.S.
Case No. 27 of 2020 dated 09.02.2022 registered for the offence
under Sections 341, 323, 363, 366(A) and 504/34 of the Indian
Penal Code.

The daughter of the informant is alleged to have been
abducted by the petitioner and his family members in connivance
with other F.I.R. named accused for the purpose of performing
her marriage with the co-accused, Sanni Praaksh Mahto, who is
said to be son of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case merely on the ground that the petitionr happens to be father of the co-accused, Sanny Prakash Mahto, who was having love affairs with the daughter of the informant. He further submits that in the background of love affairs the victim herself went out of her house and performed marriage with the son the petitioner. He further submits that earlier also the inforamnt has lodged a case against the petitioner and his son for the alleged abduction of her daughter and the victim has been examined in that case and deposed that she has solemnized marriage with the son of the petitioner. She in her deposition has admitted that she is of 23-23 years of her age. He further submits that the petitionr has not played any role in the alleged occurrence and he is rotting in judicial custody since 19.03.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 Additional District and Sessions Judge-III, Siwan in connection with Sessions Trial No. 165 of 2020 arising out of Siswan (Chainpur O.P.) P.S. Case No. 27 of 2020 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 canceled 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.

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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