

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5727 of 2023**

Arising Out of PS. Case No.-133 Year-2022 Thana- MADHEPUR District- Madhubani

Sanjeet Kumar Mahto @ Sanjeet Kumar S/O Raj Kumar Mahto @ Chhote
Resident Of Village- Ram Chandra, Ward No- 01, P.S.- Madhepur, District-
Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with
Madhepur P.S. Case No.133 of 2022 registered for the offence
under Sections 363, 366 and 120-B of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.07.2022.

The allegation against the petitioner is to kidnap the
grand-daughter of the informant aged about 18 years for the
purpose of illicit intercourse/marriage. It is alleged further that
victim went with cash of Rs.25,000/- (Rupees Twenty Five



Thousand) and silver bangles weighing around 300 grams.

Learned counsel appearing on behalf of the petitioner submitted that victim was major at the time of the occurrence and she went up to Delhi with petitioner out of love affairs and as parties belonging from different religions, marriage could not negotiated, present false implications was raised. It is further submitted that the statement of victim as to take Rs. 1,00,000/- (Rupees One Lakh) is appearing false, *prima facie*, in terms of narration of F.I.R. where informant specifically stated that victim went with cash of Rs.25,000/- (Rupees Twenty Five Thousand). It is further pointed out by learned counsel that even as per F.I.R. it is appearing that victim went on her own with petitioner and therefore allegation of kidnapping is not appearing, *prima facie*, convincing. While travelling over the argument it is stated by learned counsel that charge-sheet has been submitted under Section 376 of the Indian Penal Code against this petitioner but it was for the reason that victim out of consensual physical relation becomes pregnant. It is also pointed out that implication was made as petitioner refused to marry as victim stated herself in statement as recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and



moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as implication of this petitioner appears as marriage could not be negotiated between the parties coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.07.2022, accordingly above named petitioner is directed to be released on bail in connection with Madhepur P.S. Case No.133 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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