

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29651 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan
Harendra Mahto @ Sugrim Mahto S/o Sheonath Mahto R/o vill - Kanhar, P.S.
- G.B. Nagar, Distt- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 32683 of 2024

Arising Out of PS. Case No.-70 Year-23 Thana- GAUTAMBUDHNAGAR District- Siwan
Sheonath Mahto S/o Late Sakhichand Mahto R/o vill - Kanhar, P.s. - G.B.
Nagar, Distt. - siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 37520 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan
Gopichand Mahto Son of Late Chotelal Mahto Resident of Village -
Manikpur, P.S.- Gopalganj Town, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29651 of 2024)
For the Petitioner : Mr .Ramchandra Sahni
For the Opposite Party : Mr. Pradeep Narain Kumar
For the Informant : Mr. Awdhesh Kumar Pandey
(In CRIMINAL MISCELLANEOUS No. 32683 of 2024)
For the Petitioner : Mr. Ramchandra Sahni
For the Opposite Party : Mr. Pradeep Narain Kumar
(In CRIMINAL MISCELLANEOUS No. 37520 of 2024)
For the Petitioner : Mr. Devashish Giri
For the Opposite Party : Mr. Abhay Kumar



**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-09-2024 Heard learned counsel for the petitioners as well as
learned counsel for the informant and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with G.B. Nagar P.S. Case No. 70/2023 dated 03.03.2023 registered for the offence punishable u/s 365 of the Indian Penal Code.

3. As per the prosecution case, the informant's son was missing from home and his mobile phone was also switched off.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioner has sprung up in the case on mere suspicion. Learned counsel has submitted that as for one occurrence F.I.R., as well as the Complainant case was filed. First of all, the informant lodged an F.I.R. of missing of her son vide G.B. Nagar P.S. Case No. 70/2023 against unknown, then after one month and 22 days, the informant filed a complaint petition before C.J.M., Siwan stating that the petitioners along with other co-accused persons kidnapped her son. Learned counsel has further submitted that there is nothing against the



petitioners except the confessional statement of Gopichand Mahto which is hit by Section 25 of the Indian Evidence Act. It is further submitted that in the course of investigation some witnesses have stated that there was love affair between the informant's son and Suman Devi (wife of the petitioner no. 1). The petitioner no. 2 is father-in-law whereas the petitioner no. 3 is *sarhaj* of Suman Devi. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 08.11.2023, the petitioner no. 2 is in custody since 14.12.2023 and the petitioner no. 3 is in custody since 13.02.2024 as stated in para. 24 of the bail petition.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioners by submitting that as per para 142 of the Supplementary case diary, the petitioner no. 3 in his confessional statement has stated the *modus operandi* as to how the occurrence took place with his associates.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned Court concerned, Siwan, in connection with G.B. Nagar
P.S. Case No. 70/2023, with the condition:-

(i). The petitioners are directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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