

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37711 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Lal Babu Das @ Lal Babu Kumar Hari Kishun Das @ Harikishan Das R/O
Khoksasaha, ward no - 15, P.S. - BIBHUTIPUR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. BALESHWAR MAHTO SON OF LATE RAM DAYAL MAHTO R/O
VILLAGE - KHOKSASAHA, WARD NO. 15, P.S.- BIBHUTIPUR, DIST-
SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 11-11-2024 Heard Mr. Mritunjay Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Bibhutipur P.S. Case No. 432 of 2023 for the offence punishable
under section 366-A of the Indian Penal Code lodged on
20.11.2023 by the informant, Baleshwar Mahto.

3. As per the prosecution story, the informant alleged
that his minor daughter left her house but failed to return. Later,
it came to knowledge that the petitioner has abducted her and
when they approached his family, information was given to pay
Rs. 5,00,000/-. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



alleged occurrence is of 24.11.2022 whereas the FIR was lodged on 20.11.2023, almost a year later. Further, they were in relationship and a notary affidavit was also made in this regard but later, due to pressure of the family, she changed herself which led to his custody for almost a year [20.11.2023 (paragraph-17 of the petition)]

5. Learned APP opposes the prayer for bail submitting that the girl has alleged forcible exploitation against this petitioner.

6. In this case notices were issued to the other side but no one has appeared on call.

7. Considering the facts that has come in the present case, there is an inordinate delay of one year in lodging of the FIR, he has already remained in custody for a year, is only 21 years of age, do not have any criminal antecedent and keeping him in jail with dreaded criminals will not help the matter, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 432 of



2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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