

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40895 of 2024

Arising Out of PS. Case No.-1056 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Vikash Mahto @ Vikash Kumar Mahto Son of Bhola Mahto, Resident of
Village - Bhatvara, P.S. - Korha, District - Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Dilip Kumar Singh @ Dilip Kumar Son of Basudev Prasad Singh, Resident
of Village - Ramaili, P.S. - Routara, District - Katihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the Opposite Party : Mr. (Dr.) Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Bimal Kumar, the learned counsel for

the petitioner and Mr. (Dr.) Ajeet Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Katihar Complaint Case No. 1056 of 2023,

registered for the offences punishable under Sections 366 and

366(A) of the Indian Penal Code.

3. According to the prosecution case, the daughter of

the complainant / informant was abducted by one Vikash Mahto

under the pretext of marriage and the daughter of the

complainant / informant took Rs. 15,000/- (Rupees fifteen

thousand) cash and ornaments worth Rs. 40,000/- (Rupees forty



thousand) from home. It is further alleged that when the complainant / informant inquired the same from other accused persons, they abused him. It is further alleged that SI Mantu Kumar Singh after investigation recovered the victim from the house of the accused person.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that earlier Routara PS Case No. 19 of 2022 was instituted under Section 363, 366(A) and 504 of the Indian Penal Code and under Section 12 of POCSO Act and in the statement of victim recorded under Section 164 of Cr.P.C., she has not made any allegation of kidnapping against the petitioner, rather she has clearly stated that no one has kidnapped her and the police on the basis of that has submitted the final form in favour of the petitioner. Thereafter, the informant has filed the present complaint-cum-protest petition and learned trial Court has taken cognizance in the present complaint case no. 1056 on 12.12.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, after investigation the police has submitted the final form in favour of the petitioner and on the basis of complaint-cum-protest petition cognizance has been taken against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, where the case is pending in connection with **Katihar Complaint Case No. 1056 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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