

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39293 of 2024**

Arising Out of PS. Case No.-138 Year-2023 Thana- BALIYA District- Begusarai

Mintu Kumar Sah @ Vikash Kumar Sah @ Vikash Sah @ Mithu @ Mithu Sah @ Mintu S/O Manoj Sah R/O Village- Chhoti Ballia, Upar Tola(Upper Tola), Ward No. 4 -, P.S.- Ballia(Baliya), Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 258 of 2024 arising out of Ballia (Baliya) P.S. Case No. 138 of 2023 instituted for the offences under Sections 363, 366(A) of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused petitioner is of kidnapping the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the Informant himself is not the eye-



witness of the occurrence. In the statement of the victim girl made under Section 164 Cr.P.C., she has not supported the prosecution case. She has also not stated anything adverse against the petitioner. She has categorically stated in her statement that she went along with the petitioner on her own sweet will. She has also stated the existence of love affair between them. After completion of the investigation, the police has submitted charge-sheet bearing charge sheet no. 100/2023 on 30.06.2023 and the charges has also been framed on 18.04.2024. The petitioner is in judicial custody since 28.05.2023. The petitioner has one criminal antecedent in which he is on bail.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the fact that the victim girl has not supported the prosecution case in her 164 Cr.P.C. statement, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in



connection with Sessions Trial No. 258 of 2024 arising out of Ballia (Baliya) P.S. Case No. 138 of 2023, subject to following conditions:-

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

