

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52263 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- RIGA District- Sitamarhi

Munit Mahto @ Manish Kumar @ Munit Kumar Son Of Chandeshwar Mahto
Resident Of Village - Ufrauliya, P.S. - Riga, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lal Babu Sah Son Of Rajendra Sah Resident Of Village - Sonar, Ward No.4,
P.S. - Riga, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Riga P.S. Case No. 398 of 2023, registered on 25.09.2023 for the alleged offences under Section 366A of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and the informant showed his suspicion that someone enticed away his minor daughter. Subsequently, the name of the petitioner transpired in the case as culprit.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been registered after delay of 4 days and there



is no satisfactory explanation for the same. The victim girl has been recovered and her statement under Section 164 Cr.P.C. was recorded wherein she has stated that she went with the petitioner on her own and stayed with him at Delhi for one and half months and after coming to know about lodging of the present case she has returned. Learned counsel further submits that the victim girl has not supported the prosecution case. She has further stated that her parents had been pressurizing her to solemnize marriage and for this reason, she left the house and went to Delhi. The petitioner is aged 22 years having no criminal antecedent. The petitioner is in custody since 30.12.2023 and charge sheet has been submitted. Learned counsel further submits that the notice was issued to the informant but no one appeared on behalf of the informant.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the victim was minor and her consent has no meaning.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim, who did not make any allegation against the petitioner, and further considering the period of custody of the petitioner and submission of charge



sheet, the petitioner above named is directed to 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 learned A.D.J. VI -cum- Special Judge, POCSO Act, Sitamarhi/concerned Court in connection with Riga P.S. Case No. 398 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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