

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58460 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- BATHNAHA District- Sitamarhi

Nandu Kumar, aged about 22 years, Male, Son of Gagandev Mahato @ Ganu Mahto, Resident of Vill- Ranauli, Bathnaha, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Raj Kishore Mahto, Male, Son of Late Pragas Mahto, Resident of Vill- Lachuwa, P.S.- Bathnaha, District- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate
For the State : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bathnaha P.S. Case No. 486 of 2023 dated 03.11.2023 registered for the offences punishable under Sections 363, 366A/34 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 27.10.2023 at about 7.00 P.M., the accused persons, namely, Dinesh Kumar, Rakesh Bhagat, Baidyanath Bhagat and his wife, Raushan Kumar, Binod Bhagat, Ram Pukar Bhagat and his wife kidnapped the minor daughter of the informant by enticing her for doing some illegal act. The informant searched for his daughter but



she could not trace out. When he went to the house of the accused persons they said that they kept his daughter by hiding her which he could not trace out her and threatened by abusing him. They also threatened that they would kill his daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation. It is submitted that the victim alongwith the other accused persons came went to the room of the petitioner in Delhi but he denied to keep her in his room and by scolding the victim was asked to go back and for this reason, he has falsely been implicated in the present case. The petitioner never assaulted the victim. It is further submitted that the other co-accused persons Prakash Kumar @ Raushan Kumar and Dinesh Kumar @ Dinesh Bhagat have already been granted bail by a Bench of this Court vide Cr. Misc. No. 41267 of 2024 under order dated 19.06.2024, annexed as Annexure-2 to the bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.03.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner and submitted that although the petitioner is not named in the F.I.R. but his name has surfaced in the present case during the course of investigation and the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she was taken away by the co-accused persons and was kept in the house of the petitioner and the petitioner also assaulted her.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Bathnaha P.S. Case No. 486 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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