

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66133 of 2024

Arising Out of PS. Case No.-281 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Mintu Kumar @ Lali @ Mantu Son of Late Gautam Prasad Resident of
Village - Gudari Rai Ka Chowk, P.S.- Bhagwan Bazar, District - Saran at
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-10-2024 Heard Mr. Chandra Mohan Jha, the learned Counsel

for the petitioner and Mr. Bishweshwar Ram, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 14.09.2022, in connection with S.Tr. No. 487 of 2023
arising out of Bhagwan Bazar P.S. Case No. 281 of 2022, FIR
dated 04.06.2022, registered for the offences punishable under
Section 366 A of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 75423 of 2022, which was
dismissed vide order dated 07.08.2023.

4. The prosecution case, in short, is that on
0206.2021, accused persons including the petitioner are alleged



to have kidnapped the minor daughter (the victim) of the informant for the purpose of sale.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case although there is specific allegation against the petitioner but in fact the petitioner was in love with the victim and she fled away along with the petitioner and the police have submitted charge sheet, he is in custody since 14.09.2022.

6. Vide order dated 13.09.2024, a report was called for with regard to the stage of the trial.

7. Report dated 27.09.2024 of the learned trial Court reveals that out of six chargesheet witnesses, no prosecution witnesses have been examined as yet.

8. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 14.09.2022.

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

10. Considering the facts and circumstances of the



case, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-1st, Saran at Chapra in connection with S.Tr. No. 487 of 2023 arising out of Bhagwan Bazar P.S. Case No. 281 of 2022, subject to 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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