

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71712 of 2023

Arising Out of PS. Case No.-1043 Year-2022 Thana- PHULWARISHARIF District- Patna

Godhan Kumar Son of Late Ram Babu Mahto @ Mathar Mahto R/o vill -
Chipura, P.S. - Gaurichak, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

5 22-04-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Phulwarisharif P.S. Case No. 1043 of 2022 instituted for

the offences under Sections 363 & 366A of the Indian Penal

Code and Section.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of kidnapping

the minor daughter of the Informant. It is also alleged that

accused Godhan/petitioner also threatens the Informant on

telephone that he will not return her daughter and also

threatened with dire consequences.



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. There is also no evidence either direct or indirect or even circumstantial evidence against the petitioner. He further submits that as a matter of fact, the victim girl has voluntarily left her house with the petitioner as there was a love affair between them. The date of occurrence is 28.07.2022 but, the F.I.R. has been lodged on 29.08.2022 i.e. after approximately one month without any valid explanation for such inordinate delay in the lodging of the F.I.R. He again points out that in the statement made under Section 161 Cr.P.C., the victim girl has stated that she had left with the petitioner on her own will and she had accompanied the petitioner to Delhi and she had also married with the petitioner out of her own will as there is a love affair with him but, under pressure, she has changed her version in the statement made under Section 164 Cr.P.C. The Medical Board has opined the age of the victim girl in between 17-19 years and has also not found any sign



of sexual relation with the girl. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.01.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case. It has further been stated that from perusal of the case diary, it appears that all the witnesses have supported the occurrence. Charge-sheet has also been submitted against the petitioner under Section 363 and 366(A) of the I.P.C. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail.

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 petitioner having no criminal antecedent coupled with the fact that the medical report has not supported the prosecution case, 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 Phulwarisharif P.S. Case No. 1043 of 2022.

(Rudra Prakash Mishra, J)

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