

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2439 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- BARGAINIA District- Sitamarhi

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HARILAL MAHTO Son of Late Inerdev Mahto R/o Village-Patahi, Ward No. 3, P.S.-Bairgania, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 416-04-2024
1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bargainia P.S. Case no. 186 of 2023 registered under sections 363, 366A and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his 15 year old daughter disappeared and was not to be found inspite of search. It is stated that the fourteen named accused persons had threatened her that they would kidnap her. The informant states that he apprehends that she may have been kidnapped and taken away. Some untoward incident may take place.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on the basis of an unsubstantiated suspicion raised by the informant in the F.I.R. The daughter of the informant was in love with one Gaurav Kumar. No material has transpired to implicate the petitioner in the alleged crime. The petitioner is in custody since 25.8.2023.

5. The application for bail is opposed by learned APP for the State who submits that the daughter of the informant was recovered and her statement under section 164 Cr.P.C was recorded. She has stated therein that the four named accused persons including the petitioner herein used to tell her that they would take her to Gaurav Kumar who was in Ludhiana. She went to Lakhiana with co-accused Dharmendra Mahto.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R, the material that has transpired in course of investigation especially the contents of the statement of the victim under section 164 Cr.P.C, the petitioner having remained in custody for over 7 months since 25.8.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bargainia P.S. Case no.



186 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi.

(Partha Sarthy, J)

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