

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7641 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- MUFFASIL District- West Champaran

Krishna Mahto S/o Lalman Mahto R/o Rani Pakadi, PS- Muffasil Bettiah,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shree Devi W/o Sakaldip Mukhiya R/o vill - ward no. 43, Rani Pakadi, P.S.-
Muffasil Bettiah, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s: Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 15-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Bettiah Muffasil P.S. Case No. 136 of 2024, registered for the offences punishable under Section 366A/34 IPC and Section 4 of the POCSO Act. He has no criminal antecedent.

3. The prosecution case is to the effect that one Shree Devi gave a written report stating that her minor daughter was traceless and people had informed her that she had gone along with Krishna Mahto (Petitioner) and it is further alleged that despite hectic search her daughter could not be found and her daughter was kidnapped for marrying with the petitioner.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that the victim girl had gone with the petitioner out of her own freewill and he has stated that subsequently the petitioner and the victim have married and they are living together. Learned counsel has further pointed out that the statement of the victim has been recorded under Section 164 Cr.P.C. wherein she has stated that she had married the petitioner on 08.03.2024 and she had gone out of her own freewill. Learned counsel for the petitioner next submits that the petitioner has clean antecedent and he is in custody since 27.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner has kidnapped a minor girl.

6. Considering the aforesaid facts and circumstances of the case and submission made by learned counsel for the parties and taking into account the fact that the petitioner had married with the victim girl and in her statement recorded under Section 164 Cr.P.C. she has stated that she has gone with the petitioner out of her own freewill and the petitioner is in custody since 27.11.2024, let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional District Judge-VI-cum-Special Judge, POCSO, West Champaran, in connection Bettiah Muf-fasil P.S. Case No. 136 of 2024, subject to 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, if so required by the learned Trial Court.

(iii) In case the prosecution is found the petitioner's involvement in similar nature of allegation after his release and in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) And further condition that the court below shall verify the above-mentioned two criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these two cases, the court below 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 the same or in the name of verification.

(Sourendra Pandey, J)

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