

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68716 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- HARSIDHI District- East Champaran

Krishna Kumar Son of Hardev Mahto Resident of Village - Kanchhedwa,
Ward No. 02, P.S. - Harsidhi, District - East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Jagdish Mahto Son of Dhodha Mahto Resident of Village - Kanchhedwa, Ward No. 02, P.S. - Harsidhi, District - East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Harsidhi P.S. Case No.229 of 2023, dated 07.04.2023 registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code and Sections 8 and 10 of the POCSO Act.

3. The prosecution case as emerging from the FIR is that the 17 years old daughter of the informant has been kidnapped by the accused persons, Krishna Kumar, Munna Kumar, Rajan Mahto and Rahul Kumar.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that the statement of the alleged victim has been also recorded under Section 164 Cr.PC and she has clearly stated in her statement that no one had kidnapped her and she had fled away from her house because her father was settling her marriage somewhere else.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned counsel for the O.P. No.2 vehemently oppose the prayer of the Petitioner for bail. They also submit that the alleged victim is minor being 17 years of age.

8. Considering the aforesaid facts and circumstances, particularly the statement of the alleged victim that no offence is committed against her by any one, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran, in connection with Harsidhi P.S. Case No.229 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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