

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72717 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- BIHIA District- Bhojpur

Ayush Kumar @ Ayush Kumar Mahto S/o Gautam Kumar Mahto R/o Village-
Ameya (Kaudiya), P.S.- Bithiya, District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi W/o Rajan Yadav R/o Village- Ameya Koudiya, P.S.- Bihiya,
District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-04-2025 Heard the learned counsel for the petitioner, and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Bihiya P.S. Case No. 157 of 2024, registered for the
offences punishable under Sections 363, 366 and 34 of the
Indian Penal Code.

3. As per the prosecution story in short is that one
Meena Devi gave her written application that on 31.05.2024, at
about 08:00 P:M, when she was going to defecate with her
daughter, then petitioner Aayush Kumar Mahto along with other
co-accused persons, kidnapped her minor daughter and fled
away. She has also stated that two days prior to the said



incident, the petitioner had threatened that he will run away with the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. The victim girl was recovered and she has given the statement before the police as well as the statement under Section 164 Cr.P.C. was also recorded, wherein she has admitted that she had gone out of her own free will with the petitioner and doesn't want to live with her parents and wants to go along with the petitioner. Learned counsel further submits that the petitioner's case under Section 366 is falsified in view of the aforesaid statement made by the victim girl. He next submits that the charge-sheet has already been submitted and the petitioner is in custody since 12.06.2024

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that there is specific allegation against the petitioner that he has tried to kidnap the victim girl and hence he does not deserve the liberty of bail.

6. Considering the 164 statement of the victim girl, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. 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 Sessions Judge-VIth-cum-Special Court POCSO, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 157 of 2024.

(Sourendra Pandey, J)

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