

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73290 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- Lakho District- Begusarai

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Lalan Kumar Rai @ Lalan Kumar Mahton @ Lalan Kumar Mahto @ Lalan
Kr Mahto S/o Chamru Rai @ Chamru Mahton @ Chamru Mahto R/o Village
- Rachiyahi, Purana Tola, Ward No. 9, P.S - Matihani, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sandip Kumar Gautam
For the Opposite Party/s :	Mr.Mithlesh Kumar Khare
	Mr.Vinod Kumar Seth
	Mr.Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-11-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the informant.
2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 363, 366A, 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that

the petitioner has antecedent of one case, but then, the said case

came to be instituted after institution of the instant. It is next

submitted that petitioner is own brother in-law (Jija) of the

victim. It is next submitted that informant, who is father in-law

of the petitioner alleges that petitioner along with his family



members kidnapped his minor daughter on 28.06.2024.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the relationship in between petitioner and his wife was strained. It is next submitted that victim came back on 29.06.2024 and thereafter, her statement was recorded on 20.07.2024 under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution rather has stated that petitioner was always in her support and his brother and friends had evil intention on her. It is next submitted that police after conducting threadbare investigation came to a considered conclusion that petitioner has been falsely implicated in the instant case by the informant, as such, submitted final form exonerating the petitioner of the allegation as alleged in the FIR, but then, the learned Magistrate differing with the police report took cognizance as such petitioner apprehends his arrest. It is next submitted that when one investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation.



5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits that after the statement of the victim was recorded under Section 164 Cr.P.C., thereafter she was handed over to Child Welfare Committee where her statement was again recorded and she supported the case of the prosecution and alleged that petitioner had committed rape on which the learned counsel appearing on behalf of the petitioner submits that victim came back on 29.06.2024 and about 21 days thereafter her statement was recorded under Section 164 Cr.P.C wherein she did not support the case of the prosecution despite staying with her parents which amply demonstrates that after her statement was recorded under Section 164 Cr.P.C. The victim was forced to give such statement before the Child Welfare Committee. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Lakho P. S. Case No.83 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the framing of charge or after framing of charge is trying to delay the trial in both the events, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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