

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89775 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- MUFFASIL District- West Champaran

Ahiman Mahto @ Himan Mahto Son of Garui Shankar Mahto Resident of
Vilage- Baldiha, P.S.- Nawalpur/Jogapatti, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bighu Mukhiya Son of Late Nathuni Mukhiya Resident of Village- Rani Pakdi, P.S.- Muffasil Bettiah, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr.Sarvesh Kashyap, learned counsel for the
petitioner and Mr.Sunil Kumar Pandey, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
26.06.2024 in connection with Muffasil P.S. Case No.100 of
2024, F.I.R. dated 17.02.2024 registered for the offence
punishable under Sections 363,366(A)/34 of IPC and Section 8
of POCSO Act.

3. The prosecution case, in short, is that on
12.02.2024, accused Raja Mahto is alleged to have abducted the
minor daughter (the victim) of the informant aged about 14
years. Raja Mahto is the brother of the petitioner.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is brother of the main accused Raja Mahto and from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.06.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent and the name of the petitioner has been transpired during investigation due to some pressure put upon the brother of the petitioner and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, 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 learned Special Judge, POCSO-cum-A.D.J.-VI, Bettiah, West Champaran in connection with Muffasil P.S. Case No.100 of 2024, with the following conditions:-



(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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