

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25853 of 2015

Arising Out of PS.Case No. -384 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

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1. Babu Prasad Lal Dev @ Bare Lal Dev @ Babu Prasad Lal Devi S/o Late
Pulkit Lal Dev @ Late Purkit Lal Devi resident of Village-Mahpara, P.s.-
Bahadurpur (Sonki O.P.), District-Darbhang.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ajit Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with O.P. Sonki P.S.
Case No. 384 of 2014 registered for the offences punishable under
Sections 363, 365, 366(A) of the Indian Penal Code.

Allegedly Seeta Kumari, a minor daughter of the
informant was kidnapped by the petitioner with an intention to
marry with her and the victim, after recovery has stated that the
petitioner being a saint, gave *Prasad* to her and when she ate it she
become unconscious and when she regained consciousness, she
found her in the house of the petitioner and when she requested to
send her back to her father petitioner assaulted her with rod and

caused threats, however, she informed to her teacher through phone and then her father brought her.

Submission is of false implication and that the occurrence is said to have taken place on 25.6.2014 whereas, F.I.R. has been registered on 19.11.2014 after much delay. The victim has not stated regarding sexual assault or that she was forced to marry with the petitioner, no injury has been found on her person and the petitioner is suffering in custody since 20.11.2014. Chargesheet has already been submitted under Sections 363 and 366-A of the Indian Penal Code and, as such, the petitioner deserves sympathetic consideration and there is no chance of tampering with prosecution evidence.

The learned A.P.P. opposes the prayer of bail. He fairly submits that no injury has been found on the person of the victim and she was found aged about 15 years.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Darbhanga arising out of O.P. Sonki

P.S. Case No. 384 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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