

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12788 of 2015**

Arising Out of PS.Case No. -354 Year- 2014 Thana -GARDANIBAGH District- PATNA

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Md. Kalim @ Salim @ Subham Son of Md. Gaffar, Resident of-Gate No.40, Mainpura, Police Station-Patliputra, District-Patna. At present Tenant in the house of Md. Kalim Damariya, Police Station-Gardanibagh, District-Patna.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Saghir Ahmad

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      25-05-2015      Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 363 and 366A of the Indian Penal Code.

Though the petitioner is named in the F.I.R., vide Annexure-1, as an accused, but as per statement of victim girl recorded under Section 164 Cr. P.C. on 10<sup>th</sup> February 2014 (Annexure-2) she has given a complete go-by to the prosecution version. In her aforesaid statement she stated that on her own volition she went to Gaya in the company of the petitioner by train and thereafter she returned back. She has categorically stated that nobody kidnapped her. The petitioner is said to be in judicial custody since 10.10.2014.

In above view of the matter, the prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge (IV), Patna in Sessions Trial No. 58 of 2015 arising out of Gardanibagh P.S. Case No. 354 of 2014,

subject to the conditions that:

- (A) One of the bailors must be a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

**(Birendra Prasad Verma, J)**

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