

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55044 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. VISHNUDAYAL RAM @ BISHNU DAYAL RAM, S/o Late Anup
Ram, of Vill- Gamhariya, P.S.- Patahi, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Smt. Rita Verma

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-01-2017 Heard the parties.

This application has been filed in connection with Patahi
P.S.Case No.65 of 2016/G.R. Case No.2315 of 2016 for the
offence under Sections 366/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is
delay in lodging F.I.R. Furthermore, statement of the victim girl
has been recorded under Section 164 Cr.P.C., stating that two
years earlier, she had been kidnapped by the petitioner. There is
allegation against the petitioner that he had kidnapped her
about two years prior for the purpose of marriage and took her at
U.P. and after that now the case has been lodged. Further it has
been stated that the petitioner has been falsely implicated in this



case due to the fact that the daughter of the informant (victim girl) had eloped about two years prior with one Suresh Kumar and got married with him and she lived with him for about two years and then she was deserted so she came back and the informant approached the petitioner for marriage with the deponent, which was denied, as such the present case has been filed with a view to pressurize the petitioner. Further, it is submitted that the petitioner is almost 60 years old, which is mentioned in Para No.15 of the case diary. He is in custody for about four months.

Heard the learned A.P.P. who has opposed the prayer for bail on the ground that she has been recovered from the house of the petitioner.

Having heard both sides. In view of the fact that there is delay in lodging of the F.I.R. and the allegations are vague and omnibus as well as the statement of the victim girl that she was kidnapped two years earlier and for that period, no steps was taken for lodging the case so also considering the fact that the petitioner is a man of about 60 years, let the, above named, petitioner be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like



amount each to the satisfaction of C.J.M., Motihari, East Champaran in connection with Patahi P.S.Case No.65 of 2016/G.R.No.Case No.2115 of 2016, with following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

chn/-

U			
---	--	--	--

