

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42201 of 2017

Arising Out of PS.Case No. -528 Year- 2014 Thana -BARHARIA District- SIWAN

=====

1. Rana Pratap Thakur Son of Parduman Thakur, R/o Village- Malkauli
Pathkauli, P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Ajay Kumar -2

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.03.2017 in connection with Barharia (G.B. Nagar) P.S. Case
No. 528/2014 for offences punishable under Sections 366-A/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his granddaughter, aged 16-17 years, namely, Rupa Kumari
had been residing with him for last two years and studying there
but was traceless from the house with effect from 11.10.2014. The
allegation upon the petitioner and others is that they have abducted
his granddaughter.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. In fact, both petitioner and the victim were having love affair as per the statement of the victim girl under Section 161 Cr.P.C., but has narrated an entirely different story in her statement under Section 164 Cr.P.C. He submits that independent witnesses have also stated that she was having love affair with the petitioner and her age has been assessed in the Medical Report to be 19-20 years, as such, she is a major. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Siwan, in connection Barharia (G.B. Nagar) P.S. Case No. 528/2014, subject to the conditions that :

(i) Both the bailors would be a close relative of the petitioner



having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

