

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.1024 of 2017**

Arising Out of PS.Case No. -208 Year- 2016 Thana -SURSAND District- SITAMARHI

=====

Tej Narayan Rai Son of Late Ram Autar Rai, Resident of Village- Bakhari,  
P.S.- Sursand, District- Sitamarhi.

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Pushpendra Kumar Singh  
For the Respondent/s : Smt Usha Kumari No-1, Spl. P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      15-05-2017                      Heard learned counsel for the appellant.

This is an appeal for bail in connection with Sursand  
P.S. Case No. 208 of 2016, registered for the offences punishable  
under Sections 363, 366(a) of the Indian Penal Code and Section  
3(2)(v)(a) of (Prevention of Atrocities) Amendment Act, 2015.

Allegation, as per the F.I.R., is that the daughter of the  
informant has been kidnapped by co-accused Raju Kumar son of  
the petitioner and the petitioner, his wife and two other accused  
persons have also been named in this case.

It has been submitted on behalf of the petitioner that  
the girl had gone on her own sweet will along with the son of the  
petitioner. Both of them have also married and living together and  
the statement of the girl has been recorded before the court



concerned in which she has stated that she has gone with the son of the appellant on her own sweet will. The appellant is the father of Raju Kumar and he is in custody since 04.11.2016.

Heard learned APP also.

Having heard both sides and in view of the fact as stated above, let the appellant, above named, be released on bail, but prior to release of the appellant on bail the learned 1<sup>st</sup> Additional Sessions Judge, Sitamarhi will verify the statement of the victim girl, available on record, recorded under Section 164 Cr. P.C. and if it is found true, the learned 1<sup>st</sup> Additional Sessions Judge, Sitamarhi shall release the appellant on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to his own satisfaction in connection with Sursand P.S. Case No. 208 of 2016, after setting aside the order impugned dated 16.02.2017 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Sitamarhi in B.P. No. 32 of 2017/14 of 2017 arising out of Sursand P.S. Case No. 208 of 2016, subject to the conditions that:

- (i) The bailors of the appellant should be his close relatives having sufficient immovable properties within the jurisdiction of the concerned Court.



- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate 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 reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed.

**(Vinod Kumar Sinha, J)**

BTiwary/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

