

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41438 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -MANSI District- KHAGARIA

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1. Dhiraj Kumar Son of Kare Paswan Resident of Village - Jhaua Bahiyar,
P.S. - Bariyarpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018

Heard the learned counsel for the petitioner and

the learned APP for the State.

Petitioner seeks bail in connection with Mansi
P.S. Case No. 12/2018 for offences alleged under Sections 366(A)
and 34 of the Indian Penal Code.

The prosecution case, as alleged by the
informant, is that the married daughter of the informant was
talking on phone with someone and when the informant chided
her, she went away from the house. The informant had kept her
mobile in which the name of the petitioner surfaced that he had
provided the mobile to her daughter and the petitioner must have
eloped with her daughter.

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. He submits that the victim is a married lady and her age is 18 years as assessed by the Magistrate. In her statement recorded under Section 164 of the Cr.P.C., she has not made any allegation of any overt act against the petitioner, rather she has stated that the petitioner had taken her to be dropped to her husband's home but it was his friend, who had taken her to some criminals, namely, Kumud Khalifa, who had sold her in Islampur Market. He has further submitted that in her statement, the victim lady has stated that the petitioner also made her talk with her brother and was instrumental in rescuing her from the criminals. It has been submitted that the petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution witness. The petitioner is languishing in judicial custody since 25.05.2018.

Learned APP for the State, however, opposes the prayer for bail.

Considering the aforesaid facts and 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, Khagaria in connection with Mansi P.S.



Case No. 12/2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will cooperate in the investigation and will appear before the police/Court as and when required and failure to appear will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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