

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3353 of 2018

Arising Out of PS.Case No. -160 Year- 2016 Thana -VIJAYPUR District- GOPALGANJ

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Chunnu Turha @ Chunu Kumar, Son of Jiyut Turha, Resident of Mohalla-
Chik Balia, P.S.- Vijayipur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier prayer for
bail of the petitioner was rejected vide order dated 31.08.2017
passed in Cr. Misc. No. 34212 of 2017 along with another
accused.

Petitioner is languishing in judicial custody since
29.05.2017 in connection with Vijayipur P.S. Case No. 160 of
2016 for offences punishable under Sections 363, 366-A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her daughter Laxmi Kumari, aged 15 years, went to attend the
call of nature but was taken away by the petitioner and two others.



It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal history. The victim girl was having love affair with the petitioner and has solemnized marriage and had gone with the petitioner out of her own sweet will. He submits that there is delay of six days in lodging of F.I.R. and no plausible explanation has been given. He submits that victim girl is a major of about 17-18 years as, assessed in the medical report. It is submitted that other co-accused has been granted the privilege of bail by a co-ordinate benches of this Court in Cr. Misc. No. 14073 of 2017 on 10.05.2017 and even co-accused Pappu Turha has been granted the privilege of bail in Cr. Misc. No. 60635 of 2017 vide order dated 20.12.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl has stated in her statement under Section 164 Cr. P.C. that she was forcibly taken by the petitioner and another co-accused.

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 IVth A.C.J.M. Gopalganj in connection with Vijayipur P.S. Case



No. 160 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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)

Devendra/-

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