

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30768 of 2018

Arising Out of PS.Case No. -41 Year- 2017 Thana -ANDER District- SIWAN

=====

Radha Mohan Singh @ Gobardhan Singh son of Late Ganesh Singh
resident of village - Korara, Police Station - Mairwa, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Smt. Renuka Ratnakar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 06-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Andar
P.S. Case No. 41 of 2017 registered for offences punishable under
sections 366, 376, 506 and 120B of the Indian Penal Code.

The case has been registered on the basis of
Complaint Petition No. 109 of 2017 filed before the Chief Judicial
Magistrate, Siwan which was sent to the police for registration
and investigation under section 156 (3) Cr.P.C.

The allegation, as per complaint petition, is that this
petitioner along with four others abducted the minor daughter of
informant.



It has been submitted that the allegation of abduction is omnibus. The daughter of informant in course of investigation was produced before the Magistrate. In statement given under section 164 Cr. P.C. she has not uttered the name of this petitioner. She has stated that she does not want to live with the boy and wants to send him behind the bar. She has not complained any ill treatment or commission of offence by this petitioner. It has been further submitted that the victim was produced before the doctor who has assessed her age in between 18-19 years. There is also unexplained delay of two months in filing the complaint petition. The petitioner is in custody since 11.07.2017 having clean antecedent and so he deserves bail.

The learned Additional Public Prosecutor on the other hand opposed the submission. It has been submitted that this petitioner committed rape on the victim on several occasions and so he does not deserve bail.

On perusal of complaint petition it appears that the daughter of informant was kidnapped on 10.11.2016 at about 10:00 a.m. and she returned back on 24.12.2016. The petitioner has not explained the reason of delay in filing the complaint petition after two months i.e. on 12.01.2017. The doctor has assessed her age in between 18-19 years. The victim in her



statement has not stated any ill-treatment by this petitioner. The petitioner is in custody since 11.07.2017 having clean antecedent.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IX, Siwan in connection with Andar P.S. Case No. 41 of 2017, subject to the 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 cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

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

