

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36684 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -DEO District- AURANGABAD

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Rajesh Kumar, S/o Doman Mehta @ Gopal Mahto, R/o Vill.- Sunderganj,
P.S.- Risiup, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Smt. Gulnar Begam, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-08-2018

Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 14.03.2018 in
connection with Deo P.S. Case No.17 of 2018 registered for the
offence under Sections 306 and 120B/34 of the Indian Penal
Code.

The allegation against the petitioner is that he had
earlier eloped with the daughter of the informant and brought
back the girl after some duration at the doorstep of the
informant after making her to consume poison.

Learned counsel for the petitioner submits that such
case has been made out against the petitioner even though no
one has seen the girl coming back with the petitioner and there



is no case registered against the petitioner for having kidnapped and married the daughter of the informant. The story that the girl was two months' pregnant does not find support in the post-mortem examination report. It is under the said circumstances that the petitioner has been taken into custody and is languishing in jail. Learned counsel for the petitioner further submits that in view of the fact that there was no history of kidnapping registered by the father of the deceased girl nor does the post-mortem examination report reveal that the girl was two months' pregnant as has been made out by the father in his F.I.R., the charge sheet has been submitted under Section 306 of the I.P.C.

Diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the statement of the informant and his daughter, there is no further material in the case diary to implicate the petitioner and no case of kidnapping had earlier been registered.

In view of the such facts and circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Deo P.S. Case No.17 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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