

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11667 of 2019

Arising Out of PS. Case No.-5 Year-2015 Thana- MOKAMAH District- Patna

RAJNISH KUMAR (Male), aged about 28 years, Son of Late Manoj Singh,
Resident of Village - Sarmera, P.S.- Sarmera, District - Nalanda and Presently
residing at Village - Madhurapur Daxinbari Tola, P.S.- Teghra, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Ramchandra Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 363, 366A of the
Indian Penal Code.

Informant has alleged in her written complaint that
on 30.12.2014 in the night after taking meal she and her
daughter went to sleep but her daughter was found missing in
the morning and she tried to locate her but she could not be
traced. She has further alleged that she came to know that her
daughter used to talk with petitioner and she suspected that he
has enticed away her daughter. The incident is of 30.12.2014



however F.I.R. was instituted on 04.01.2015. The girl has been recovered and her statement was rerecorded on 12.01.2015 in which she has supported the prosecution case and has stated that she was induced and enticed away by the petitioner and he also established physical relation with her.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. The girl was medically examined also and the Board has assessed the age of girl as 16 to 17 years but has not found any sign of commission of rape with her. Petitioner has no criminal antecedent and is in custody since 30.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mokama P.S. Case No. 05 of 2015, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by



Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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