

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78701 of 2018

Arising Out of PS. Case No.-134 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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Mithilesh Giri @ Mithlesh Giri Son of Sheojee Giri @ Shivjee Giri Resident
of Village-Pratap Mathiya,P.S. Sangrampur,Distt.-E.Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhshek Kumar, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Sangrampur P.S. Case No. 134 of 2018** registered for the offence punishable under Sections 363, 366A, 504 and 506 of the Indian Penal Code.

Informant is the father of victim who in his written complaint has stated that on 05.08.2018 when he was sleeping along with his wife and minor daughter in his room and when he woke up in the morning on 06.08.2018 he found his minor daughter to be missing. He made search for his daughter but she could not traced, thereafter he came to know that petitioner and other FIR named accused have enticed her away for the purpose of marriage.



It has been submitted on behalf of the petitioner that the victim had accompanied him with her own sweet will and volition and she was not abducted forcibly as alleged. The incident is of 05.08.2018 where as the FIR has been instituted on 10.08.2018. In the statement recorded under Section 164 of Cr.P.C. she has not complaint of any sexual assault committed by petitioner. Petitioner was apprehended with victim when they were strolling together at Baluaa Chowk from where both were apprehended together. Petitioner has got no criminal antecedent and is in custody since 26.08.2018.

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/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Motihari, East Champaran**, in connection with **Sangrampur P.S. Case No. 134 of 2018**, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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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