

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3309 of 2019

Arising Out of PS. Case No.-337 Year-2018 Thana- RAJGIR District- Nalanda

DILIP SAO Son of Shiv Kumar Sao Resident of Village - Gulzarbag, Rajgir,
P.S.- Rajgir, Dist.- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Binod Kumar Sinha Ms. Preety
For the State		Ms. Usha Kumari,

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 04-12-2019 Heard learned counsel for the appellant and learned
counsel for the State.

2. It is submitted that the appellant has been falsely implicated on the accusation of having taken away the informant's grand-daughter. It is submitted that as a matter of fact the so-called victim girl had voluntarily accompanied the appellant, a neighbour, with whom she had friendship. There is inordinate delay of about nine days in lodging the FIR on 11.11.2018 for the alleged occurrence of 02.11.2018. The appellant is accused in one prior case of different nature.

3. On a perusal of paragraph 17 of the case diary, containing the statement of the victim girl, it transpires that she had left home upon being scolded by her mother and went to her aunt's house and that she had not been kidnapped by anyone. She has subsequently changed her version in her statement recorded under section 164 Cr. P.C. in paragraph 27 of the case diary, implicating the appellant as having carried her away on a motor-cycle. However, she has stated that the appellant did not



commit any wrong with her.

4. Be that as it may, let the appellant above named be released 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 Additional District and Sessions Judge-1st-cum-Special Judge S.C/S.T. Nalanda at Biharsharif in connection with Rajgir P.S.Case No. 337 of 2018, on the following conditions--

(i) That one of the bailors shall be a close relative of the appellant.

(ii) That the appellant shall not indulge in any similar offence till conclusion of the trial.

(iii) That the appellant 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.

(iv) That the appellant shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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