

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.163 of 2020

Arising Out of PS. Case No.-194 Year-2018 Thana- SINGHWARA District- Darbhanga

SUDHIR RAM @ SUDHIR KUMAR RAM Son of Birendra Ram Resident
of Village - Sahahpur Bujurg, P.S.- Singhwara, District- Darbhanga (Bihar)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, PP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The present application has been preferred with a prayer for grant of bail in a case registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Rekha Devi submitted before the Singhwara Police station is to the effect that on 27.09.2018 at about 1.00 P.M., the minor daughter of the informant went traceless. It is alleged that co-villagers, Sudhir Ram (petitioner), Santosh Ram, Mantosh Ram, Pramila Devi and Guriya Devi have enticed away the daughter of the informant.



It is submitted by learned counsel for the petitioner that in the statement recorded under Section 164 of the Cr.P.C., the victim has stated that she was being enticed away by the petitioner to Mouradabad. The medical report suggests no injury on the body of the victim and the medical opinion further suggests the age of the victim between 17 to 18 years. In fact, the victim was having love affairs with the petitioner, hence, the victim went traceless on 27.09.2019, but the FIR was registered on 01.10.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 06.11.2019 and the investigation has already been concluded.

Learned APP for the State submits that the the accusation is specific against the petitioner in the FIR.

Considering the fact that the medical opinion suggests the victim was major on the date of alleged occurrence, the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one



surety to the satisfaction of the learned 5th ACJM, Darbhanga, in connection with Singhwara P.S. Case No.194 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 5th ACJM, Darbhanga, in connection with Singhwara P.S. Case No.194 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

Ashwini/-

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

