

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18186 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- BAKHARI District- Begusarai

Birendra Poddar, Son of Late Anup Poddar, Resident of Village - Harraikh,
P.S.- Town, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Verma, Advocate

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Bakhri P.S. Case No.10 of 2020 corresponding to G.R. No.92/20 instituted for the offence punishable under Sections 366, 354B, 342, 323, 506/34 of the Indian Penal Code.

The informant along with her maternal grandmother



were standing by the roadside when four named accused persons have taken her away on a vehicle. She has alleged that she was thereafter confined by these four persons to coerce her for marriage with co-accused Gyani Kumar and while she was kept in confinement, she has been beaten and molested. The petitioner is the father of Gyani Kumar. He is having clean antecedents as per the statement in paragraph 3 of the bail application. He is in custody since 16.01.2020.

It is submitted by the petitioner's Counsel that four named persons have been accused. These four persons, including the petitioner, are relatives. At the time of abduction, informant was with her grandmother, still F.I.R. has been lodged on 09.01.2020 in respect of the allegations dated 17.10.2019, after 83 days. The petitioner is not named in the F.I.R. The manner in which the occurrence is alleged renders the entire prosecution case to be highly improbable and doubtful. On extraneous considerations, the victim (informant) has taken the petitioner's name in her statement recorded under Section 164 Cr.P.C. on 10.01.2020, i.e., just one day after the F.I.R.

Learned APP for the State has opposed the prayer for bail. It is submitted that the informant has named the petitioner in her statement under Section 164 Cr.P.C.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, 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 the learned Chief Judicial Magistrate, Begusarai, in connection with Bakhri P.S. Case No.10 of 2020 corresponding to G.R. No.92/20, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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