

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26882 of 2020

Arising Out of PS. Case No.-408 Year-2019 Thana- GORAU District- Vaishali

Subodh Kumar, aged about 30 years, (Male), Son of Late Bachu Singh,
Resident of Village - Pojha Babhan Toli, Police Station - Goraul, District -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 23-12-2020 Heard Mr. Sandip Kumar, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned counsel appearing
for the State through video conferencing.

Petitioner seeks regular bail in connection with
Goraul P.S. Case No. 408 of 2019 registered for the offence
under Section 376 / 302 / 313 / 364 / 420 / 498 (A) / 34 / 323 /
325 of the I.P.C. and Section 3 / 4 of the D.P. Act.

The allegation as per the First Information Report is
that the petitioner on the pretext that he would marry the
complainant -cum -informant established physical relationship
with her and upon pressure being given by the informant the
petitioner solemnized marriage with the informant on
05.10.2018. It has further been alleged that on 22.02.2019



informant gave birth to a female child in Alok Nursing Home, Mahua but under false pretext the petitioner took the new born child from the lap of the informant and told her that the child would be treated in Child Care Hospital, Hazipur. It has also been alleged that the petitioner did not return the child to the informant and upon search the new born child could not be traced. It has also been alleged that when the informant and others went to the house of the petitioner and enquired about the female child then the petitioner and other accused named in the F.I.R. demanded a sum of Rs. 5 Lakhs as dowry and also assaulted the informant due to which her hand got fractured. The informant has raised suspicion that her daughter has been killed by the petitioner and others.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of concocted story. Learned counsel further submits that from perusal of the First Information Report it would be evident that the girl child had allegedly taken birth on 22.02.2019 but after considerable delay of about 07 months complaint has been lodged before the learned Magistrate on 07.09.2019 , which has been converted into F.I.R. on 04.11.2019. Learned counsel further submits that the allegation made in the F.I.R. is



improbable inasmuch as the newly born girl child was taken from the lap of the informant much earlier in February, 2019 but before the lodging of the complaint no steps whatsoever was taken by the informant. Learned counsel further submits that no cogent material has come during the course of investigation against the petitioner and the present case has been lodged in order to put pressure and extort money from the petitioner. Learned counsel further submits that petitioner is in custody since 10.12.2019 and charge sheet has already been submitted by the Police against the petitioner.

On the other hand, learned counsel for the State referring to the case diary submits that the doctor of Alok Nursing Home has issued a certificate stating therein that the informant -cum- complainant had given birth to a girl child in Alok Nursing Home on 22.02.2019 and the petitioner has specifically been named in the F.I.R.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, the nature of allegation against the petitioner, the fact that charge sheet has already been submitted and further there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur / court concerned in connection with Goraul P.S. Case No. 408 of 2019.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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