

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25283 of 2020

Arising Out of PS. Case No.-717 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAJKUMAR Son of Sharvan Mahto Resident of Village- Chailahan, P.S.-
Banjariya, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay
For the Informant	:	Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 07-12-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with
Turkauliya (Banjariya) P.S. Case No. 717 of 2019 dated
16.10.2019 instituted for the offences under Sections 363,
366-A/34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
rejected by a Bench of this Court by order dated 24.02.2020
passed in Cr. Misc. No. 84429 of 2019 and a liberty was
given to the petitioner to renew his prayer for bail once the
girl is recovered and her statement under Section 164



Cr.P.C. is recorded.

Learned counsel for the petitioner has submitted that the victim girl has run away with one Niraj Kumar and both of them have not surrendered before the process of law. It is only because of this reason that the statement of the victim girl under section 164 Cr.P.C. has not yet been recorded. It has further been submitted on behalf of the petitioner that the First Information Report was lodged after nine days of the occurrence and the name of the petitioner has not been taken in the First Information Report . One of the co-accused of this case, namely, Surendra Bhagat, who is father of co-accused Niraj Kumar @ Rajababu, has been granted bail by a Bench of this Court vide order dated 04.03.2020 passed in Cr. Misc. No. 9129 of 2020.

This Court had, on earlier occasion called for a report about the stage of the case from the Court below, which report has since been received. The report indicates that in this case chargesheet has been submitted and cognizance has been taken long time back. The case was fixed for 24.11.2020 for supply of police papers.



It, therefore, appears that there has not been any substantial progress in the trial and the petitioner is in custody since 17.10.2019.

Regard being had to the afore-stated facts, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 717 of 2019.

However, it is made clear that the petitioner shall participate in the trial and his absence from the trial proceedings without permission from the Trial Court would render his bail liable to be cancelled.

(Ashutosh Kumar, J)

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