

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83592 of 2019**

Arising Out of PS. Case No.-256 Year-2018 Thana- MAHARAJGANJ District- Siwan

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SURAJ KUMAR, Son of Jhawar Sah, Resident of Village - Pasnauli, P.S.-
Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Binod Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 16-01-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 376, 34 of the Indian Penal
Code and Section 4/8 of POSCO Act.

Informant who is mother of the victim has alleged that
accused Vikash Kumar along with his brother accused Rajiv Sah
and his friends, Suraj Kumar (Petitioner) and Raja Sah enticed
away her daughter on 24.10.2018 and it is alleged that Vikash
Kumar established physical relation with her and after keeping
her for 10 days in Bangalore and Delhi on 02.11.2018, he
brought her back and fled away after leaving her. She has filed
written complaint on 06.11.2018.

It has been submitted on behalf of the petitioner that
he is innocent and has committed no offence. The girl had gone



with Vikash Kumar on her own sweet will and volition as they had love affair. It has further been submitted that Vikash Kumar and other co-accused have already been granted bail as contained in Annexure 3 series. Even in the statement recorded by victim girl under Section 164 Cr.P.C, she has not alleged any sexual assault against her and the medical board has assessed the age of the victim girl between 18 to 19 years. Petitioner has got no criminal antecedent and is in custody since 12.08.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Maharajganj P.S. Case No. 256/2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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