

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85857 of 2019

Arising Out of PS. Case No.-670 Year-2019 Thana- BIHTA District- Patna

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LALU RAY @ LALU ROY Son of Late Chandra Dev Ray Resident of
Village-Maudahi (Modahi), Post-Katesar, Police Station-Bihta, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray
For the Opposite Party/s : Mr.Ajay Kumar

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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 363 and 366A of the Indian Penal Code.

Informant who is father of victim girl has alleged in his written complaint that his minor daughter Neha Kumari on 05.02.2006 at about 10:00 am went to School but did not return and subsequently he came to know that his neighbour Santu Kumar s/o Lalu Rai who is residing in a tenanted house enticed away his daughter and he is also not present in the house and his father Lalu Ray on being asked gave evasive reply.

Statement of the victim girl was recorded under Section 164 of the Cr.P.C in which she has stated that on



09.07.2019 at about 10:00 am while she was going to School in the way Santu Kumar, his father, his brother and his sister met her and they gave something to eat and she lost her consciousness and thereafter they took away her jewellery and sister of Santu Kumar took her to Masaurhi and brought her before an old person who misbehaved and teased her and when she started crying he fled away. Thereafter father of Santu Kumar took him to Masaurhi and thereafter to Dhanbad and finally they brought her back.

It has been submitted on behalf of the petitioner that allegation against him is false and concocted rather accused Santu Kumar is son of Late Birendra Singh. It is further submitted that there is no allegation of any sexual assault or confinement against her. There is contradiction in FIR as well as statement of the girl recorded under Section 164 of the Cr.P.C. Petitioner is 59 years old and has got no criminal antecedent and is in custody since 24.07.2019.

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 **Bihta P.S. Case No. 670 of**



2019, 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)

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