

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13506 of 2021**

Arising Out of PS. Case No.-162 Year-2019 Thana- SIMRI District- Darbhanga

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AMAR THAKUR S/O DHANPAT THAKUR R/O VILLAGE-BIRDIPUR,
P.S-SIMRI, DISTRICT-DARBHANGA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-09-2021 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Simri P.S. Case No.162/2019 registered for the offences punishable under Sections 363, 366A and 371/34 of the Indian Penal Code. He is in custody since 25.09.2019 (typographical error in the impugned order has been corrected vide Annexure '3' to the supplementary affidavit filed on behalf of the petitioner).

As per the First Information Report, it is alleged against the petitioner that he along with other co-accused had concealed the informant's minor daughter on 05.09.2020 at unknown place. The informant expressed her apprehension that the accused persons may commit rape on her or they may sell

her to a third party.

Learned counsel for the petitioner submits that the medical examination report of the victim discussed that she was major aged about 19-20 years. She has deposed in course of trial and has denied that the petitioner has committed any wrong act with her. The victim girl has claimed herself major and stated in course of her evidence that she had gone to the house of her maternal uncle at Delhi and the present case was lodged under mistake of fact by her mother.

Learned counsel further submits that similarly the father, mother and sister of the victim girl have not supported the prosecution case and they have been declared hostile.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering the kind of materials placed before this Court, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No.162/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.