

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19474 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- CHOUTARWA District- West Champaran

AKHILESH MAJHI @ AKHILESH MANJHI Son of Arkha Majhi @
Arashra Manjhi Resident of Village - Laukaria, Ward No. 2, P.S. -Jogapatti,
District - West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar,Advocate

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

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

2 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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 Chautarwa P.S. Case No. 74 of 2020 registered for the offences punishable under Sections 366 (A), 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 7.3.2020 the informant found her minor daughter missing from the house. She searched for her daughter and it was revealed that the petitioner used to come to her house in her absence and tried to persuade her minor daughter to marry him and wanted to make physical relationship with her forcefully. It is further



alleged that the petitioner kidnapped her minor daughter with an intention to marry her.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is submitted that the victim girl has stated in her own statement that she had persuaded the petitioner to take her away from her house. The petitioner is in custody since 8.9.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein though the victim girl is said to be a minor but she makes a statement that it was she who was making contacts with the petitioner and when she was badly beaten by her parents, she left her house as she was in love with this petitioner and thereafter they went to Chhattisgarh, in the nature of the case wherein though the victim is a minor girl but her statements cannot be completely ignored, the petitioner is in custody in connection with the present case since 8.9.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Bagaha, West Champaran in connection with Chautarwa P.S. Case



No. 74 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(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'.

