

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20394 of 2021**

Arising Out of PS. Case No.-277 Year-2020 Thana- FALKA District- Katihar

Md. Lal Babu @ Lal Babu S/O Nuruddin R/o village- Salehpur, P.S.- Falka,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 31-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Falka P.S. Case No. 277 of 2020, registered for the offence under Section 363, 366(A) / 34 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have eloped with the daughter of the informant with intention to marriage.

It is submitted on behalf of petitioner that though, petitioner is alleged to have eloped with victim in the night of 06.08.2020, but the F.I.R. has been lodged on 10.08.2020 i.e. after four days of the occurrence. It is further submitted that the victim girl has been recovered on 11.08.2020 i.e. on the next day of lodging of F.I.R. and her statement under Section 164



Cr.P.C. was recorded on 13.08.2020, in which, she has not alleged any sexual assault or any wrong against this petitioner, rather she stated that she went to Rajasthan with co-accused Sunil Singh Rawat and she herself returned to her house. The victim was examined by the doctor and her age was assessed as 16-17 years and no mark of external / internal injury has been found on the body of victim girl. It is further submitted that the name of the petitioner has come only on the ground that the victim girl used to go with the petitioner on his auto for plantation to another village and this petitioner is alleged to have facilitated her (victim) talk with co-accused Sunil Singh Rawat. Petitioner has got clean antecedent and he is in custody since 12.08.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, clean antecedent and statement of the victim girl recorded under Section 164 Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - VI cum Special Judge, Katihar in



connection with Falka P.S. Case No. 277 of 2020, on the following conditions:

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

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

(Prabhat Kumar Singh, J.)

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