

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23616 of 2021**

Arising Out of PS. Case No.-329 Year-2020 Thana- RIGA District- Sitamarhi

JAI RAM BHAGAT S/O LATE SUKAN BHAGAT R/O VILLAGE-
SINGHARWA, P.S.-RIGA, DISTRICT-SITAMARHI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 02-09-2021 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.

Petitioner in the present case is seeking regular bail in connection with Riga P.S. Case No. 329 of 2020 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code. He is in custody since 28.12.2020.

As per the prosecution story the victim girl aged about 17 years went missing since 8.10.2020 at 3 pm. She had left for her coaching classes and did not return till late night. The informant who is mother of the victim claims that she went in search of her daughter but could not find anything. Thereafter she alleged that the co-

villager Sumit Kumar and Amit Kumar both sons of late Bilet Rai, mother of Sumit Kumar, Chandeshwar Raut, Rakesh Kumar, Sonu Kumar who is son of this petitioner had kidnapped her daughter with intention to kill, rape or to sell her for marriage purposes.

Learned counsel submits that from the First Information Report it will appear that son of this petitioner Sonu Kumar has been named, this petitioner is not specifically named but the father name of this petitioner has been mentioned and for that reason this petitioner was arrested.

It is his further submission that there is inordinate delay in lodgement of the First Information Report which would be evident from the fact that the victim girl went missing on 8.10.2020 whereas the FIR has been lodged on 9.11.2020 i.e. after about a month.

Learned counsel further submits that the victim girl has been recovered, she had made her statement under Section 164 Cr.P.C., though the copy of the statement has not been made available to him, however, he has stated in the petition that the victim girl has not disclosed the name of this petitioner she has specifically named Sumit Kumar with whom she was forcibly taken to Delhi and then other stories have been made.

Learned counsel submits that this petitioner is in jail since 28.12.2020 having no criminal antecedent. Lastly it is submitted that this Court may consider granting bail to the petitioner in case his statement is found wrong his bail bond may be cancelled.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the submission of learned counsel for the petitioner as noticed hereinabove wherein the victim girl has returned and she has not named this petitioner and learned counsel for the petitioner is ready to bear the consequences if his submissions are found wrong, the petitioner has remained in jail for over eight months having no criminal antecedent, this Court directs release of the petitioner on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Riga P.S. Case No. 329 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And 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'.