

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30104 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- RAUTARA District- Katihar

SURAJ MAHALDAR MURMU @ SURAJ SON OF DASHRATH MURMU
R/O VILLAGE- BAZAR PAKHA, P.S.- MARGOMUNDA, DISTRICT-
DEOGHAR (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Routara P.S. Case No. 43 of 2020 registered for the offence under Sections 363, 366A and 376(a) of the Indian Penal Code and Section 4 of the POCSO Act.

The case relates of abduction of daughter of the informant.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, no occurrence as alleged in the F.I.R. ever took place and the entire allegation leveled in the F.I.R. is false and fabricated. As a matter of fact, the victim in her statement recorded under Section 164 Cr.P.C. has not disclosed anything about the involvement of the petitioner in the alleged occurrence. Hence, no case under Section 366A of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 03.07.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Additional District and Sessions Judge-VI -cum- Special Judge, Katihar in connection with Routara P.S. Case No. 43 of 2020 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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.

(Rajesh Kumar Verma, J)

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