

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23311 of 2020

Arising Out of PS. Case No.-144 Year-2017 Thana- KARAKAT District- Rohtas

ANIL RAJWAR @ TIKARA Son of Surendra Rajwr Resident of Village -
Deomarkandey, P.S. - Karakat, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 02-11-2021 Heard learned counsel for the petitioner and Ms.
Meena Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Karakat P.S. Case No. 144 of 2017 registered for the offence under Section 366(a) of the Indian Penal Code. He is in custody since 31.10.2019. Petitioner has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the sister of the informant who was aged about 19 years had gone to attend the call of nature at about 3:00 A.M. on 20.06.2017 outside her house but thereafter she did not return. The informant who is the brother of the victim girl claimed that he came to know that this petitioner had allured his sister and had taken her away with bad intention.

Learned counsel for the petitioner submits that the



alleged occurrence is said to have taken place on 20.06.2017 but the F.I.R. has been lodged in this case after four days i.e. 24.06.2017 and from the endorsement made on the copy of the fardbeyan it would appear that the learned S.D.J.M. has seen it on 01.07.2017.

Learned counsel submits that admittedly the victim girl was major and in course of investigation it has come that this petitioner and the victim girl were studying together and there was a love affair between the two and her family members were torturing her for the said love affair with the petitioner.

Learned counsel further submits that the victim girl had left her house on her own and she first went to Bikramganj from where she went to Ara and then to Delhi. Petitioner and the victim girl both thereafter went to Faridabad and there they were living together. After leaving Faridabad both had gone to Jodhpur where they stayed for about 16 months and during this period she had been talking to her mother and brother.

Learned counsel then submits that on the asking of the family members of the victim girl, both the victim girl and petitioner decided to come back to their village. They took a train from Jodhpur on 14.10.2018 and reached at Dehri Station on 16.10.2018, where the brother of the victim girl namely



Sikandar Paswan and his co-villager Dinesh Yadav both were present. They asked the petitioner to go to his village and took the victim girl with themselves. The petitioner, thereafter, came to his village and on the advise of his father went to the Chowkidar of the village namely, Surendra Singh and told him the entire story, whereafter the Chowkidar took him to the police station but there Station House Officer was not available so he returned the second day and went to Delhi. The petitioner claimed that the victim girl has been concealed by her brother.

Learned counsel has drawn the attention of this Court towards the supplementary case diary and the fact stated therein wherein the Chowkidar Surendra Singh has admitted that the petitioner had met him and he was taken to police station whereafter he had left for Delhi.

It is his submission that in the given circumstance the petitioner who has already remained in jail for over two years be enlarged on bail.

Ms. Meena Singh, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but she has referred the counter affidavit filed on behalf of the Superintendent of Police, Rohtas wherein it is stated that the victim girl was 20 years old and the love affair between the



petitioner and the victim is admitted. Attempts have been made to find out the victim girl but she has not been traced. It is stated that the police is in touch with such person who have last seen the victim girl and keeping watch on the suspected persons.

Having regard to the facts and circumstances of the case, the delay of four days in lodging of the First Information Report, the admitted fact that the victim girl was major and she was in love with this petitioner and both of them had stayed for about two years outside the State and then they had returned whereafter the victim girl was taken away by her brother and his co-villager, no material showing otherwise involvement of this petitioner against the victim girl and considering that he has remained in custody for over two years by now, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj in connection with Karakat P.S. Case No. 144 of 2017, 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)

Rajeev/-

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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'.

