

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31219 of 2020

Arising Out of PS. Case No.-329 Year-2019 Thana- RAMNAGAR District- West Champaran

RAHUL BARI @ RAHUL KUMAR Son of Biga Bari Resident of Village -
Bilaspur, P.S.- Ram Nagara, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within three
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed
Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Ram Nagar P.S. Cases No. 329 of 2019
registered for the offences punishable under Sections 363,
366A, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant found his daughter missing
from his house and the petitioner who is his next door neighbour
has also been found missing from his house. The informant
alleged that his daughter has been enticed away by the accused



persons named in the F.I.R.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim has made her statement under Section 164 Cr.P.C. in which she has stated that she had gone on her own volition with this petitioner.

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

Having regard to the facts and circumstances of the case wherein the victim girl is said to be 19 years old and she has made her statement under Section 164 Cr.P.C. in which she has stated that she had gone on her own volition with this petitioner and further that the medical examination report does not talk of any sign of sexual assault, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Ram Nagar P.S. Case No. 329 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned additional Chief Judicial Magistrate-III, Bagaha, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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)

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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'.

