

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36317 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- JAIPUR District- Banka

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Bulu Kumar Choudhary @ Bishal Kumar Choudhary @ Bullu Kumar Choudhary son of Janardan Choudhary resident of village- Narayanpur, Police station- Jaipur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.
For the State : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Jaipur P S Case No 11 of 2020 instituted for the offence under Section 366/34 of the Indian Penal Code.

It is alleged that the informant's daughter has been found missing while she was sleeping in her room. The informant has said that the local villagers told him that the petitioner has taken away his daughter. Suspicion has been raised against other co-accused persons also that they have all conspired and kidnapped his daughter for the purpose of marriage with the petitioner.

Learned counsel for the petitioner submits that the petitioner bears a clean past. He is in custody since 23.03.2020.



The prosecution case does not inspire confidence inasmuch as the allegation is that local villagers have informed about the petitioner taking away the informant's daughter, however, no voice has been raised at the time she was allegedly taken away. In fact, the victim had intimate relations with the petitioner and had gone on her own volition. She, even as per statements made under Section 164 Cr PC, has claimed to be 19 years and only under duress, she has made statements under Section 164 Cr. PC against the petitioner.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate 1st, Banka, in connection with Jaipur PS Case No 11 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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