

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2226 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- CHAKIA District- East Champaran

Subodh Kumar, aged about 28 years, son of Ram Kishor Ram, Resident of village -Bahlolpur, PS Kalyanpur, District East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opp.Party

**Appearance :**

|                    |   |                                 |
|--------------------|---|---------------------------------|
| For the Petitioner | : | Mr. Abhishek Kumar, Advocate    |
| For the State      | : | Mr. Mohammad Sufiyan, APP       |
| For the informant  | : | Mr. Madhurendra Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2      26-05-2021              In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the petitioner, informant and learned counsel for the State

The petitioner seeks bail in Chakia P.S. Case No. 225 of 2020, instituted for the offence under Sections 363 and 366A/34 of the Indian Penal Code.

Learned counsel for the petitioner is expected to honour 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 to do so by the office.

It is alleged that the petitioner along with some others have kidnapped the informant's daughter.



Petitioner's counsel draws attention of the Court towards the statement of the victim recorded under section 164 Cr.PC, wherein, she has claimed that she, on her own volition, had gone with the petitioner as she has intimate relations with him. Further submission is that the victim was examined and Medical Report has opined her age to be between 17 to 18 years. This fact has been taken note of in the order whereby the petitioner's prayer for bail has been rejected by the learned trial Court. The submission is that the prosecution case stands belied by the victim's deposition and age determination done by the Medical Board.

The learned APP representing the State and counsel for the informant have opposed the prayer for bail. It is submitted that the victim was a minor girl and, therefore, the offences are attracted against the petitioner.

Considering the rival submissions and the fact that the petitioner has now remained in custody since 04.07.2020, 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 Chief Judicial Magistrate (East Champaran), Motihari, in connection with Chakia P.S. Case No. 225 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)**

shyambihari/-

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