

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39422 of 2020

Arising Out of PS. Case No.-318 Year-2020 Thana- SHERGHATI District- Gaya

Kalu Lal @ Kalu Lal Jharia, S/o Gokul Ji @ Gokul Jatia, R/o Village- Anjan
Kheda, P.S.- Akola, District- Chittorgarh

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Murad Ashraf, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Sherghati P.S. Case No.318 of 2020 for the offence punishable
under Sections 370, 372, 373/34 of the Indian Penal Code.

The prosecution case is that the informant was
desirous of solemnizing marriage for which her neighbour
intervened and thereafter, it is alleged that some of the co-
accused persons have forcibly solemnized marriage by putting
vermilion on her forehead and thereafter have taken the
informant in a vehicle. In the course of journey, she has realized
that she has become a victim of immoral traffic as she has been
sold. Thereafter, all the persons have been implicated.

The matter was earlier taken up and case diary was



called for. Referring to certain paragraphs of the same, it is submitted by the parties that in the investigation it has come to surface that the co-accused have taken the vehicle on rent and the owner of the vehicle has stated that the petitioner was merely a Driver of the vehicle which was taken on hire by accused persons against whom specific allegation has been levelled. Members of the family of the co-accused have been allowed bail in Cr.Misc. No.35153 of 2020 and therefore, the petitioner, who was merely rendering his professional service as Driver, may also be allowed bail as he continued to in custody, after becoming a victim of the circumstances, since 05.07.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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, Sherghati, in connection with Sherghati P.S. Case No.318 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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