

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1332 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- CHANDI District- Nalanda

Sunil Kewat Son of Manohar Kewat Resident of Village - Dharampur Bigha,
P.S. - Chandi, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the State : Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

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.

The petitioner seeks bail in Chandi PS Case No 291 of 2020, instituted for the offence under Sections 366A/34 of the Indian Penal Code.

The informant has alleged that her daughter has perhaps eloped with the instant petitioner and his brother-in-law.

It is submitted by the petitioner's counsel that two days later the victim has been recovered and handed over to her parents. 16-17 days thereafter the statements of the victim has been recorded under Section 164 Cr PC, wherein, she has not stated about any sexual offence having been committed on her though she has stated about taking of ear rings etc. by the petitioner. From perusal of the statements, annexed as



Annexure-3, it is apparent that during the period she had allegedly eloped she was at the house of the petitioner along with other relatives. In the circumstances, the petitioner's counsels submits that after remaining with her parents from last 16-17 days she has been tutored to make the statements which has been recorded under Section 164 CrPC, which, if accepted does not disclose any sexual offence other than snatching of ear rings etc. The petitioner, in the circumstances, is in custody since 25.07.2020 and the Medical Board has opined the age of the victim between 18 to 19 years.

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

Considering the rival submissions, 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 1st Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Chandi PS Case No 291 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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