

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2779 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- KESARIA District- East Champaran

Aklu Ram aged about 53 years, Male, Son Of Late Banshi Ram Resident Of
Village - Dhekaha, P.S. - Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kesariya P.S. Case No. 16 of 2020, registered for the offence under Sections 366A/363/34 of the Indian Penal Code.

As per the prosecution case, on 17.01.2020 at about 7:00 PM, the daughter of the informant namely Alsa Kumari, aged about 14 years and his neighbour's daughter namely Rubi Kumari, aged about 16 years, went outside to attend the call of nature, but they did not return. Thereafter, the informant suspected that this petitioner alongwith two other persons, named in the FIR, have enticed away the girls for the purpose of marriage.

It is submitted on behalf of petitioner that petitioner



has been falsely implicated in this case only on suspicion. In the statement recorded under Section 164 of the Cr.P.C., there is no whisper against this petitioner. Both the girls have neither named this petitioner nor any foul has been alleged against this petitioner. Petitioner is in custody since 11.02.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

However, considering the aforesaid facts & circumstances as well as statement of the victim girls recorded under Section 164 of the Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kesariya P.S. Case No. 16 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for



cancellation of bail.”

(Prabhat Kumar Singh, J.)

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