

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7359 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- HILSA District- Nalanda

Om Prakash Kumar S/o Sharwan Paswan, Resident of Village- Juniar, P.S.-
Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-06-2021 In view of sudden surge of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

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

Petitioner seeks bail in Hilsa P.S. Case No. 104 of 2020 registered for offence punishable under sections 365 and 363 of the Indian Penal Code.

It is alleged by the informant that the informant's minor daughter is aged about 15 years had gone to the market



and did not return till evening. The informant has alleged that the petitioner along with his father and other family members have taken his daughter away. It is alleged that thereafter informant went to the house of the instant petitioner where the entire family members abused and have driven away the informant.

The petitioner's counsel has drawn attention of the Court towards the statement of the victim recorded under section 164 Cr. P.C., copy of same has been annexed as Annexure-2 to the bail application. The narration of events made by the victim totally belies the prosecution case. In her statement, she has said that the petitioner alone had taken her along with him. It is stated that she was confined for 8-10 days and thereafter escaped because the door was left open by the petitioner and has reached her home. The counsel for the petitioner further submits that the victim is in fact not a minor girl and even the medical examination by the Board has recorded an opinion that she was between 17 to 18 years. The victim is in fact a married lady, her marriage was solemnized in the year 2014 and had fled away with the petitioner on her own volition thereafter the false case has been lodged against the petitioner, who has become a victim of circumstances and he is



in custody since 25.06.2020, having no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in Hilsa P.S. Case No. 104 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 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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