

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10492 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- TARABARI District- Araria

PRAMOD KUMAR JHA @ PARMOD KUMAR JHA @ PHOOL JHA Son
of Late Hari Kant Jha Resident of Village- Fulbari, Ward No. 13, P.S.-
Tarabari, District- Araria. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Tarabari P.S. Case No. 83 of 2020 registered for the

offences punishable under Sections 363 and 366 (A) of the Indian

Penal Code.

Learned counsel for the petitioner submits that as per the

prosecution story, the informant had lodged the first information

report alleging that in the morning of 23.08.2020 her daughter aged

about 16 years went to a temple near his house and did not return. It

is further alleged that he came to know that one Vibhakar Jha @

Bibhu Jha son of this petitioner had enticed away his daughter. When

the informant enquired this from the petitioner, he assured that his



daughter will be returned but she could not return.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is the father of one Vibhakar Jha @ Bibhu Jha against whom there was an allegation of kidnapping of the daughter of the informant who has later on accepted her love affair with the son of the petitioner and has stated that a false case has been lodged by her father. Learned counsel submits that the petitioner is in custody since 16.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that there is no allegation of kidnapping against this petitioner, he happens to be the father of one Vibhakar Jha @ Bibhu Jha against whom there was an allegation in the F.I.R. that he had enticed away the daughter of the informant but later on the daughter of the informant has appeared and made her statement under Section 164 Cr. P.C. in which she has accepted her love affair with the son of the petitioner and has stated that a false case has been lodged by her father, the petitioner is in custody since 16.10.2020, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of



the like amount each to the satisfaction of learned A.C.J.M.-III, Araria in connection with Tarabari P.S. Case No. 83 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/Rishi

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

