

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3668 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- DELHA District- Gaya

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Ajay Kushwaha S/O Kuldeep Kushwaha R/o village- Kopin, P.S.- Sitamarhi,
Distt.- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and learned
APP for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366A of the Indian Penal Code.

As per prosecution case, in brief, is that the informant's daughter Sneha Kumari went missing on 12.07.2021 at about 04:00 P.M. and did not return till evening. Informant searched his daughter but could not find her trace. Her friend Muskan disclosed that her daughter was in touch with a boy on mobile. The informant further alleged that when



her daughter left the house she was accompanied by Madhu Kumari and her mother and both of them also involved in this incident.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. In fact, the petitioner is not named in the F.I.R. and the name has been transpired during investigation. The victim girl was recovered and the statement of the victim girl has been recorded under Section 164 of the Cr. P.C., in which she has not stated anything against the petitioner. She further stated in her statement that she went away with Ajay Kushwaha with her own will. The police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.09.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Delha P.S. Case No. 142 of 2021, with the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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