

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4337 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- KOPA District- Saran

=====

Gopal Rai, Son Of Vindhyachal Rajbhar @ Vindhyachal, R/O Village-
Shivpur Sankra, P.S.- Jiradei, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs.Rajani Kumari, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in
connection with Kopa P.S. Case No. 102 of 2021 registered for
the alleged offences under Sections 363, 366 and 366 (A) of the
Indian Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons enticed away the minor grand-
daughter of the informant.

It has been submitted by the learned counsel for the
petitioner that there has been a love affair between the petitioner
and the victim girl. The prosecution case of kidnapping is false.
The victim girl herself went away with the petitioner without



any force or coercion. The FIR has been lodged belatedly. For the occurrence dated 26.05.2021, the FIR has been registered on 04.06.2021. In the statement recorded under Section 164 Cr. P.C., the victim has not stated anything about any wrong doing with her by the petitioner. The petitioner is in custody since 13.06.2021.

Learned APP has opposed the contention of the petitioner, submitting that the victim is a minor and in the statement under Section 164 Cr.P.C., she has clearly stated that she was forcibly taken away by the petitioner.

Having regard to the submissions made hereinabove and considering the statement made by the victim under Section 164 Cr.P.C. wherein she has stated that she was taken to Chapra Station on a Motorcycle and thereafter taken to Nagpur by Train where she was kept for 15 days and even victim girl informed her family members after the petitioner went to attend his work, there appears to be some volition on part of the victim, who is stated to be 17 years of old. Her conduct in the situation is somewhat abnormal

Considering the aforesaid facts and circumstances and the period of custody, 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 learned Judicial Magistrate, Saran at Chapra/court concerned in connection with Kopa P.S. Case No.102 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner, preferably one of his parents.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

