

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4513 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- MADHAURAH District- Saran

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Vikash Kumar @ Vikash Kumar Gupta S/o Panna Lal Sah R/o Vill.-
Fenahara, P.S.- Taraiya, Dist.- Saran At Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rananjay Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 05-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Marhaurah P.S. Case No. 285 of 2021, registered for the offences punishable under Sections 366(A) of the Indian Penal Code.

The prosecution story as emerging from the FIR is that on 17.05.2021 at about 10.00 A.M daughter of informant aged about 17 years went to market and did not return. On probe it was found that the daughter of the informant was seen with the petitioner on his motorcycle. In



this regard, the informant believes that the petitioner has enticed his daughter for marriage and taken her away.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The fact is that the parents of the alleged victim wanted to get the alleged victim married with the accused-petitioner and on his refusal he has been implicated in this false case. He further submits that on the alleged date of occurrence, the petitioner was at his house because on that date the marriage ceremony of his sister was being solemnized. He also submits that the alleged victim is not minor. She is 19 (nineteen) years old as she has stated before the Ld. Magistrate, who recorded her statement under Section 164 of the Cr. P.C. and even as per the medical examination, she is aged between 20 to 22 years.

The petitioner has been languishing in jail since 17.09.2021

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-I, Saran at Chhapra in connection with Marhaurah P.S. Case No. 285 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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