

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6491 of 2022

Arising Out of PS. Case No.-975 Year-2021 Thana- PHULWARISHARIF District- Patna

SAURABH KUMAR @ SANTU @ SAURABH RAJ Son of Mithilesh
Sharma @ Mithilesh Kumar Resident of Village - Karai, P.S.- Naubatpur,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 03-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Phulwarisharif (Janipur) P.S. Case No. 975 of 2021 registered
for the offences punishable under Sections 365, 366(A), 504,
506 and 34 of the I.P.C.

As per prosecution case, allegation against the
petitioner is that three persons including petitioner namely
(Saurabh Kumar) enticed away the informant's minor daughter
and co-accused Vishnukant married the daughter of informant
and uploaded the photo of marriage on facebook.



Learned counsel for the petitioner submits that petitioner is in custody since 22.11.2021 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that during the course of investigation, the victim girl was recovered by the police and her statement was recorded under Section 164 of Cr.P.C. in which she did not made any allegation against the petitioner. There is vital contradiction between prosecution story and statement of girl. Except suspicion no other material is available against the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the statement of the victim girl in which nothing is stated against the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, 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 A.C.J.M.,-IX, Patna in



connection with Phulwarisharif (Janipur) P.S. Case No. 975 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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