

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8796 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- RAHIKA District- Madhubani

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MITHILESH JHA @ MUNNA JHA Son of Shivdev Jha @ Shridev Jha
Resident of Village- Balaha-Parjuar, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv

For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2022 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.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363,366(A), 34 of IPC.

The prosecution case, in short, is that on 02.06.2021, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 15 years for the purpose of her marriage, rape, trafficking and killing.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion and



the victim was recovered and her statement was recorded under Section 164 Cr.P.C. on 17.12.2021 before the learned court below wherein she has categorically stated that she herself left her parental house on the date of occurrence and she has solemnized the marriage with co-accused, namely, Suraj Jha on 04.12.2021 and the petitioner is brother of the co-accused and he has no concern at all with the alleged occurrence and the petitioner is in custody since 29.10.2021.

Learned A.P.P. 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/- (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 Rahika P.S. Case No.72 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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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