

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8987 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

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Nandan Ram S/o Vinod Ram R/o village- Chhatraul, P.S.- Laukaria, District-
West Champarn

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate
	:	Mr. Krishna Kumar Singh, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bagaha
Mahila P.S. Case No. 57 of 2021 registered for the offence
under Sections 363, 366A and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.09.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, knowingly that his act is likely
to force or seduce to victim for illicit intercourse with another



person.

Learned senior counsel appearing on behalf of the petitioner submitted that the present F.I.R. has been lodged after an inordinate delay of 40 days without having any just explanation. It is submitted that the victim girl neither supported the occurrence of kidnapping nor sexual assault against the petitioner, either through her statement recorded u/s 161 or 164 of Cr.P.C. It is submitted that the victim girl solemnized marriage out of her own sweet will. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the F.I.R. has been lodged after a delay of 40 days.

Considering the facts and circumstances as mentioned above and considering the statement of victim girl where the occurrence of kidnapping and sexual assault was not supported, in the background of delay in lodging of F.I.R. coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Bagaha Mahila P.S. Case No. 57 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, West Champaran, Bettiah, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Sanjay Ram, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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