

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9631 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Chandan Kumar Son of Krishna Sah R/O Village- Jhitkahiya, P.S.- Rajepur,
District- East Champarn at Motihari, at Present R/O- Singhaula, P.S.-
Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-07-2022 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 Motipur
P.S. Case No. 60/2021 registered for the offences punishable
under Section 366(A) of the Indian Penal Code.

As per prosecution case, the victim girl who is aged
about 17 years had gone to attend the reception organized in the
neighbourhood. It is alleged that at about 9.30 pm she went in
the backyard of the house to attend the call of nature but
thereafter she did not return. The informant alleges that when
his wife went in the backyard she found that her daughter had



been in the clutch of few persons and they had caught hold of her. The wife of the informant came back and informed this fact to the informant whereupon the informant went there and in the torchlight he found that one Ramesh Kumar alongwith few other boys were forcibly taking away the daughter of the informant. The informant is said to have tried to catch them but the said boys boarded a vehicle on the road and fled away.

In the second part of the FIR, it is alleged that when the informant went to the house of co-accused, Ramesh Kumar to make complaint of said matter, the petitioner and others came out of the house and then the petitioner and others abused the informant and started beating him by hands and fists blow. It is alleged that the informant was told that co-accused, Ramesh will marry the daughter of the informant and she would not be returned and if informant made complaint to this to the police then the entire family would killed.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 23.06.2021 and bears no criminal antecedent. He further submits that Ramesh Kumar and victim girl fell in love and fled away. Petitioner is relative of Ramesh Kumar and due to this the



petitioner has been implicated in this case. He further submits that there is no specific allegation against the petitioner and similarly situated co-accused, Shivjee Sah has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 37466/2021. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

In this way, the informant was perhaps aware of the fact that his daughter was in love affair with some one and had eloped with her paramour. In the two fold story of FIR in which one fold of FIR is alleged to have connection with taking away of the informant's daughter wherein the petitioner has no any role to play as alleged in FIR itself.

In the second fold story of FIR, the petitioner has been implicated just because he is relative of co-accused Ramesh Kumar and the petitioner has nothing to do with the alleged occurrence. There is no specific allegation against the petitioner rather it is general and omnibus in nature.

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

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has already



been submitted and keeping in view clean antecedent of petitioner 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.-IInd, West Muzaffarpur, in connection with Motipur P.S. Case No. 60/2021, 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 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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