

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9928 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- MADHUBAN District- East Champaran

RAJU SAH @ RAJU KUMAR SON OF MOHAN SAH RESIDENT OF
VILLAGE- GHASHIPAKAR, P.S.- CHAKIA, DISTRICT- EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 Heard learned 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
Madhuban P.S. Case No. 350 of 2021 registered for the offence
under Sections 363, 366A and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.12.2021.

The allegation against the petitioner is to kidnap the
minor sister of the informant, aged about 16 years, for the
purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that victim went on her own sweet will along with petitioner and solemnized her marriage at Guwahati. It is further submitted that there is no allegation of sexual assault available against this petitioner in statement of victim, as recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as victim solemnized her marriage with this petitioner, out of her sweet will, as per statement recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 350 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 C.J.M., East Champaran, Motihari/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till



the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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