

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11267 of 2022**

Arising Out of PS. Case No.-48 Year-2020 Thana- BALTHAR District- West Champaran

BIHARI DAS S/o Bahadur Das R/o village- Chhotka Dhankutwa, P.S.-
Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 366A, 380 and 34 of the Indian
Penal Code.

The daughter of the informant is said to have been
abducted for the purpose of marriage.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that in fact the alleged occurrence took place
on 31.05.2020 whereas the F.I.R. has been filed on
05.06.2020 after lapse of five days without explaining the



plausible delay. He further submits that the victim, who has been recovered, in her statement recorded under Section 164 Cr.P.C. has not disclosed anything about the petitioner. He further submits that the police after investigation has submitted charge-sheet exonerating the petitioner but the learned magistrate deferring with the police report has taken cognizance against the petitioner vide order dated 16.03.2021. He further submits that co-accused, namely, Sonu Kumar @ Sonu Patel has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.06.2022 passed in Cr. Misc. No. 11646 of 2022. The petitioner is rotting in judicial custody since 18.12.2021.

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, above named, petitioner 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 Balthar P.S. Case No. 48 of 2020 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 canceled 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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