

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13492 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

GAJENDRA KUMAR S/o Omkar R/o Village- Kashganj Sabar Gate, Bhim
Nagar, P.S.- Kotwali Kashganj, District- Kashganj (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Section 366A/34 of the Indian Penal Code.

Allegedly, informant's minor daughter aged about 16 years

was kidnapped by co-accused. The petitioner is alleged to have kept

the victim in his house and later solemnized marriage with her.

The main submissions advanced by the learned counsel

for the petitioner are that the petitioner is completely innocent person

and as per victim's statement, he is simply stated to have sheltered

her in his house and according to victim no any wrong was

committed by the petitioner and his family members and she was

kept in well manner in the petitioner's house except this no allegation



was levelled by the victim before Judicial Magistrate and he has been languishing in jail since 09.01.2022 having clean antecedent. As per FIR he was not involved in the alleged kidnapping and he was *bonafide* person and solemnized his marriage with said victim.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case as well as above submissions and mainly the fact that the victim has been recovered and investigation has been completed, petitioner has got no criminal antecedent and in victim's statement recorded before the Judicial Magistrate, she has not made any serious allegation against the petitioner, the main allegation with regard to alleged kidnapping is against co-accused Lala Bind, in my view, a lenient approach may be taken in respect of the petitioner. Let the 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 the Addl. Sessions Judge VIII-cum- Special Judge(POCSO), Kaimur at Bhabua in POCSO Case no. 05/2022 arising out of Chand P.S Case No. 198 of 2021 on the following conditions:-

- (1) One of the bailers shall be local resident having sufficient immovable property and other bailer shall be close relative of the petitioner.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below



and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(3) 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.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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