

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14923 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- SARAI District- Vaishali

MANJIT KUMAR RAM Son of Late Nagdeo Ram Resident of Village-
Khilaut, P.S.- Bidupur, District- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha

For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Sarai
P.S. Case No. 246 of 2021, for the offence punishable under Section
366/34 of the Indian Penal Code.

As per allegation made in the F.I.R. 19 years old
granddaughter of the informant was found missing. After search, the
informant got knowledge that accused persons named in the F.I.R.
had abducted his granddaughter with illegal motive. The statement of
victim under Section 164 Cr.P.C. was recorded in which she has
admitted that the present petitioner along with other accused persons
have taken her to Delhi, where one co-accused Ajit Kumar compelled
her to establish physical relationship, which was objected by her and
she could manage to free herself with the help of one neighbour and
returned back to her parents home.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has been roped in the present case simply because he is elder brother of the main accused Ajit Kumar against whom the victim has made allegation of committing repeated rape with her. The victim has not made any allegation against the petitioner that he was also one of the accused, who assaulted her sexually or physically. The petitioner is in custody since 31.10.2021.

Ms. Rupa Kumari has tendered her appearance on behalf of informant, she opposed the prayer for grant of bail to the petitioner and submits that victim in her statement has made direct allegation that petitioner was one of the co-accused, who has forcibly took her to Delhi to engage her in some illegal act. Therefore, the complicity of the petitioner cannot be denied in kidnapping of victim.

Learned A.P.P. for the State supported the contention of the learned counsel appearing on behalf of the informant.

Considering the nature of allegation made in the F.I.R. as well as the statement of the victim recorded under Section 164 Cr.P.C., it appears that petitioner is the elder brother of the co-accused Ajit Kumar. The victim has made direct allegation against co-accused Ajit Kumar that he had assaulted her both physically as well as sexually and such allegation has not been made against the petitioner, prima facie, the petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 246 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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