

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17220 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- BISFI District- Madhubani

VISHNU SADAI Son of Sonu Sadai Resident of Village - Banswari
Chahurya, P.S. Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-07-2022 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 Section 366(A)/34 of the Indian Penal Code later
on Section 363 of the Indian Penal Code and Section 9 of the
Child Marriage Act and Section 8 of the POCSO Act.

The daughter of the informant is said to have been
abducted by the petitioner and his associates 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
the petitioner and the victim were having love affairs between
them and on account thereof they have performed marriage out



of their sweet will and volition. He further submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated and admitted that she has performed marriage with the petitioner. She has also denied the allegation levelled in the F.I.R. against the petitioner and she has also shown her willingness to live with her husband i.e. the petitioner. He further submits that no case of abduction of any overt act is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.08.2021.

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 Bisfi P.S. Case No. 07 of 2021 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.

(3) One of the bailors shall be the victim of this case namely, Purnima Kumari.

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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