

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27993 of 2021**

Arising Out of PS. Case No.-203 Year-2019 Thana- RAJAOLI District- Nawada

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RAJA KHAN @ FARHAN RAJA @ FARHAN, S/O LATE NASIM BHARTI
RESIDENT OF VILLAGE CHAMOTHA, P.S-RAJAULI, DISTRICT-
NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.A.G.

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

3 27-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Rajauli P.S.
Case No. 203 of 2019 registered for the offences punishable
under Section 364(A)/34 of the Indian Penal Code.

The prosecution story in short is that on 09.06.2019 at
about 3 P.M., the daughter of the informant, Suman Kumari,
was going to meet the call of nature, on the way, the accused
persons forcibly kidnapped her.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as per FIR, the petitioner is said to have kidnapped the minor daughter of the informant. He further submits that during the course of investigation, the statement of the victim girl has been recorded under Section 164 of Cr.P.C. and she has not made any allegation of any physical assault or sexually assault against the petitioner or other co-accused persons. He further submits that the co-accused, namely, Lakhan Rajvanshi and Asha Devi has been granted bail by the coordinate Bench of this Hon'ble Court vide order dated 02.03.2021 passed in Cr. Misc. No.14965 of 2020 and the petitioner is in custody since 06.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No. 203 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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. 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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