

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20772 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- MUNGER MUFFASIL District- Munger

RAJEEV DAS, SON OF RAJENDRA DAS R/O- VILLAGE-
NANDLALPUR (MURLI PAHAR), CHANI TOLA, PIRPAHAR, P.S.-
MUNGER MUFFASIL, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra

For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioners seek bail in connection with Munger
Muffasil P.S. Case No. 312 of 2021, registered for the
offences punishable under Sections 366(A)/34 of the I.P.C.

As per allegation, the daughter of the informant
went missing from her house and on search, she came to
know that the petitioner and his associates had kidnapped
her daughter for the purpose of marriage.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He refers to the statement of the alleged victim



recorded under Section 164 Cr. P.C. as per which there is no allegation of any enticement or sexual assault against the petitioner. She in her statement has stated that she had left her house on account of being scolded by her mother and by chance, she met the petitioner at Patna Railway Station, who took her to Delhi where she stayed for a day along with the *Bhabhi* of the petitioner. Thereafter, she was taken back to her parents' house by the *Bhabhi* of the petitioner. He further submits that petitioner is a person of young age i.e. about 19 years.

The petitioner is languishing in jail since 02.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances,



particularly the statement of the victim girl recorded under Section 164 Cr.P.C. the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO Act) – cum- Additional Sessions Judge – VI, Munger in connection with Munger Muffasil P.S. Case No. 312 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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