

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27173 of 2022

Arising Out of PS. Case No.-702 Year-2018 Thana- BUXAR District- Buxar

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BABLOO KESHARI SON OF LATE JAMUNA PRASAD KESHARI @
SUDHIR PRASAD @ SUDHIR KUMAR RESIDENT OF MOHALLA-
BARI TOLA, P.S- BUXAR TOWN , DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
Town P.S. Case No. 702 of 2018 registered for the offences
punishable under Section 366 of the Indian Penal Code.

As per prosecution case, the informant married to
Rinku Devi and it is alleged that Rinku Devi eloped with the
present petitioner Babloo Keshari.



Learned counsel for the petitioner submits that petitioner is in custody since 16.02.2022 and bears no criminal antecedent whatsoever. He further submits that informant's wife is major lady and the wife of informant, Rinku Devi has totally denied the factum of F.I.R. during her statement under Section 164 of the Cr.P.C. and she has categorically and specifically stated that she went alone to Delhi as such offence under Section 366 of the I.P.C. is not made out against the petitioner. Moreover, from the perusal of F.I.R. it is clear that the occurrence has stated to be occurred on 27.11.2018 and application has been given to concerned Police Station on 04.12.2018 after seven days delay which is not explained by the informant. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, moreover, the statement of victim lady under Section 164 Cr.P.C. who has denied the story of prosecution in her statement that she alone went away to Delhi as she was fed up with the attitude of her husband and keeping in view clean antecedent of



petitioner as well as period of custody and charge-sheet has already been submitted, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar Town P.S. Case No. 702 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

Shahzad/-
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