

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27098 of 2022

Arising Out of PS. Case No.-335 Year-2020 Thana- PIPRA District- East Champaran

Rajesh Pandit @ Rajesh Kumar, S/o Gagandev Pandit @ Pasuram Pandit
Resident of Pakridayal, P.S. - Pakridayal, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Jha,
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

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

The petitioner is in judicial custody in connection
with Pipra P.S. Case No.335/2020 instituted under Sections 363,
366A/34 of the Indian Penal Code.

As per the prosecution story, it is alleged that Sudama
Devi took the informant's daughter Priyanka Kumar from her
house and later it is alleged that she along with one Upendra
Pandit and Rajesh Pandit kidnapped her for marriage purposes.

Subsequently, the victim girl was recovered and she
made statement under Section 164 of the Cr.P.C. in which she
has stated to have married the accused Upendra Pandit.

Learned counsel for the petitioner submits that he has



absolutely no role to play in the matter and the victim girl also stated that she has married with Upendra Pandit. It is further submitted by him that although the informant has alleged that the girl is 17 years of age, the doctors have opined her age to be 19 years. He lastly submits that he is in custody since 31.03.2022 (as stated in para-11 of the bail application) and has no criminal antecedent.

Taking into account all the aforesaid facts including the fact that the victim girl has made a statement under Section 164 of the Cr.P.C. stating that she has married with Upendra Pandit, the petitioner is in custody since 31.03.2022, charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Pipra P.S. Case No.335/2020 to the satisfaction of learned Additional District & Sessions Judge, VII-cum-Special Judge, POCSO, East Champaran, Motihari subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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