

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36746 of 2021**

Arising Out of PS. Case No.-57 Year-2018 Thana- SIWAIPATTI District-
Muzaffarpur

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VIJAY SINGH Son of Late Ramekbal Singh Resident of Village- Amba, P.S.-
Supi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate

For the State : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 363 and 366 of the Indian

Penal Code.

As per prosecution case, it is alleged by the informant

namely Shatrudhan Singh that on 02.05.2018 a person namely

Vijay Singh called his wife on mobile but the call was received by

his son Raja Babu. Accused Vijay Singh inquired about the

informant and his wife. The informant's son told that his father

has gone to Muzaffarpur and his mother was at home. After



sometime one car and auto came at the door of Prabhunath Singh. Two persons namely Shivshankar Singh and Ajay Singh entered into the house of the informant and tied the hands and leg of Raja babu and forcibly took away his mother in Maruti Car. Further stated that Vijay Singh also took away jewellery, cash and valuable documents with him and locked his three children in room. It is further stated that Prabhunath Singh and his wife Manju Devi with the help of accused petitioner Vijay Singh and other persons have kidnapped his wife.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that in fact the petitioner has love affair with the victim Radha Devi and the victim in fact is aged about 40 years and she herself left her matrimonial home in her own sweet will and the present F.I.R. was instituted by the family member of the victim. He further submits that it appears from the F.I.R. that the alleged date of occurrence is 02.05.2018 and the present F.I.R. was instituted on 26.07.2018 delay of about 83 days without explanation of delay.

Vide order dated 23.02.2022 a report was called for with regard to the present stage of trial. The report reveals that that charge has been framed on 31.08.2020 and till date the prosecution has not produced any witnesses. Learned counsel for the petitioner submits that the petitioner is in custody since



12.10.2019 and in view of the report it appears that the trial will not be concluded in near future.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Sessions Trial No. 73 of 2020 arising out of Siwaipatti P.S. Case No. 57 of 2018, 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 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 witness, 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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