

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33358 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- BAJPATTI District- Sitamarhi

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SHAMBHU RAI Son of Late Briksh Lal Rai Resident of Village - Bhadiyan,
P.S.- Nanpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Anita Kumari Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 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 in the virtual Court proceeding.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363,366(A)/34 of the IPC and Section 8 of POCSO Act.

The prosecution story in the nutshell is that the informant's minor daughter had gone to appear for matriculation examination in DPS School Pupri but she did not return back within reasonable time, they enquired about her and came to know that his minor daughter was kidnapped by accused Dipu Rai and Guddu Rai son of Shambhu Rai (petitioner) by one



while colour four wheeler vehicle. Thereafter, the informant went to the house of the petitioner to enquire about the same by they were abused and assaulted. Therefore the case was filed.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that the allegation against the son of the petitioner is that he abducted the daughter of the informant for the purpose of marriage. Further submits that there is no allegation of abduction against the petitioner, so no case under Section 366(A)IPC is made out against the petitioner and in fact the petitioner has no role at all with the alleged abduction and the petitioner is in custody since 30.04.2022.

Learned A.P.P. 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/- (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 Bajpatti P.S. Case No.74 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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