

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44644 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

VIKASH KUMAR SON OF SUBEDAR RAM R/O VILLAGE- MAHUAR,
P.S- RAMGARH, DIST- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Pandey, Advocate.
For the Informant	:	Mr. SHANKAR KUMAR THAKUR, Advocate.
For the State	:	Mr. RAM SUMIRAN RAI, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Ramgarh P.S. Case No. 58 of 2021 for the offence punishable
under Section 366A/34 of the Indian Penal Code.

The prosecution case, in brief, is that the victim has
eloped with Rahim Kumar. The present petitioner along with
other co-accused were seen to have accompanied the victim girl
along with Rahim Kumar on a tempo.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the victim was having love relationship with one Rahim Kumar and said Rahim Kumar has been released on bail by the court below itself considering the fact that the victim as well as Rahim Kumar are leading married life and out of the wedlock they have been blessed with child. Petitioner has been named in the F.I.R. due to some previous enmity. There is no allegation of committing any sexual assault with the victim girl against the petitioner who is just aged about 19 years, and as such keeping him in custody further would be against the petitioner's liberty in view of Article 21 of the Constitution of India and it will leave very bad message to the public at large. Petitioner is in custody since 15.04.2021. Considering the totality of the allegation made in the F.I.R., the petitioner is entitled to be released on bail.

Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of the informant vehemently opposed the prayer for grant of bail to the petitioner, supported by learned A.P.P. appearing on behalf of the State.

Considering the aforementioned facts and circumstances of the case, having perused the allegation made in the F.I.R. that the victim has eloped with one Rahim Kumar and



she has solemnized marriage with him and the said Rahim Kumar has already been enlarged on bail by the court below considering the fact that both the victim and the accused Rahim Kumar are living together and they are even blessed with a child, prima facie it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 58 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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