

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45611 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- TAJPUR District- Samastipur

SURAJ SAH, Son of Arjun Sah, Resident of Village- Wahaudinpur, Police Station - Baligaon, District - Vaishali (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner is granted two weeks' time to remove all the defects.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Tajpur (Waini O.P.) P.S. Case No. 87 of 2020, G.R. No. 655 of 2020 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code. He is in custody since 18.04.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the daughter of the informant aged about 17 years had gone to P.N.B. Bank at Pusa Road but she did not return till late night. In course of her search, the informant came to know that his daughter has been kidnapped by the four named accused persons. Her bicycle and



bank passbook were recovered which the informant brought back to his home. He was told by the people present there that the daughter of the informant has been taken away by the named accused persons in a four wheeler.

Learned counsel for the petitioner submits that the daughter of the informant went missing on 26.03.2020 and as per F.I.R. itself, he got the bicycle and passbook of his daughter in course of search, still the informant did not report this occurrence to the police station for three days and further it would appear that the daughter of the informant admits to have solemnized marriage and stayed in the house of the petitioner for about one month when ultimately her father came and took her away.

Learned counsel submits that the victim girl has made statement under Section 164 Cr.P.C. From perusal of her statement, it would appear that she has made slightly different statement under parental pressure but her statement clearly demonstrate that she was living in the house of the petitioner for about one month. Her age has been found about 17 years and in her statement under Section 164 Cr.P.C. she has not made any allegation of commission of any untoward act or indecent act either by the petitioner or his parents.



Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering the materials available on the record giving an impression that the daughter of the informant and the petitioner were friendly to each other, the F.I.R. has been lodged after three days and she has admitted the marriage, though alleges forceable marriage but then she admits to have stayed for about one month in the house of the petitioner, further considering that the petitioner is in custody for almost two years in connection with this case and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 87 of 2020 (G.R.No. 655 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.



And, further condition that after his release on bail the petitioner shall not try to contact the victim girl or her family members and violation of this condition shall invite action towards cancellation of bail.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

