

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37271 of 2022

Arising Out of PS. Case No.-7 Year-2020 Thana- KHAJAULI District- Madhubani

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Amar Singh Son of Ramdev Mahto R/o Village- Birol, P.S.- Khajauli,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv.
	:	Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khajauli P.S. Case No. 07 of 2020 (C.R.I. Case No.90 of 2020),
lodged under Sections 363/366(A) of the Indian Penal Code but
later on Section 4/6 of POCSO Act read with Section 9 of Child
Marriage Act has been added.

As per the prosecution case, the informant has
disclosed that somebody has kidnapped his minor girl, she went
at about 09.00 a.m. on 06.01.2020 to school from house but did
not returned, upon search when she was not found then F.I.R.

was lodged against unknown persons.

Learned counsel for the petitioner submits that name of petitioner has figured in this case at subsequent stage. He further submits that the alleged victim girl is recovered and produced herself before the Court and adduced her statement under Section 164 Cr.P.C., in which she has categorically stated that she entered into marriage with the petitioner and from the said marriage, she has one son namely Nitin Kumar. Learned counsel for the petitioner further submits that petitioner is a man of clean antecedent and is in custody since 23.04.2022, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Khajauli P.S. Case No. 07 of 2020 (C.R.I. Case No.90 of 2020), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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