

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35394 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- MASHRAK District- Saran

Rahul Kumar Son Of Sanjay Rai R/O Village- Jajauli Mathiya Tola, P.S.-
Masrakh, District- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Tiwari, Advocate.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-09-2022 The learned counsel for the petitioner is directed to re-
move all the defects pointed out by the Stamp Reporter within
one month.

Mr. Yogendra Tiwari, learned counsel for the peti-
tioner and Mr. Shakir Ahmad, learned APP for the State are
present.

Petitioner seeks regular bail in connection with Mas-
rakh P.S. case no. 330 of 2021 registered for the offences pun-
ishable under Sections 363, 366A/34 of the Indian Penal Code.

As per the allegation, petitioner and co-accused per-
sons kidnapped the informant's minor daughter.

The main submissions advanced by Mr. Yogendra Ti-
wari, learned counsel for the petitioner are that the petitioner has
been languishing in jail since 20.09.2021 having clean an-
tecedent and the so called victim has been recovered and she has



recorded her statement under section 164 Cr.P.C. in which she has not supported the allegation made in the FIR and she is aged about 20 years.

Mr. Shakir Ahmad, learned APP has opposed the prayer for bail.

In view of above submissions and mainly considering the victim's statement recorded under Section 164 Cr.P.C. filed by the learned counsel for the petitioner as Annexure-2 which goes to show that the said victim has not supported the allegation made in the FIR and she has accepted her matrimonial relationship with the petitioner and also taking into account the petitioner's custody period, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in connection with Masrakh P.S. case No. 330 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates with-



out sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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