

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45663 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Raushan Kumar @ Sipahi Yadav Son Of Late Vinod Singh @ Binod Singh
Resident Of Village - Hasanpura, P.S. - Obra, District - Aurangabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Udbhav, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-02-2022 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rita
Verma, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Town P.S. Case No. 60 of 2021 registered for the
offence punishable under Section 366(A) of the Indian Penal Code.
He has no criminal antecedent and is in custody since 03.04.2021.

As per the prosecution story, the younger daughter of the
informant who is studying in intermediate class left her house on
11.02.2021 at 06:00 A.M. without telling anything to anybody. Later
on when she did not return after a substantial period of time, the
informant started searching her and in course of that search, he came
to know that this petitioner who was residing in the house of the



brother-in-law of the informant for last about 15 years has taken away the daughter of the informant on the pretext of marriage. The informant alleged that the petitioner had allured the daughter of the informant who is aged about 16 years.

Learned counsel submits that the victim girl has returned and she has made her statement under Section 164 Cr.P.C. on 03.04.2021. In her statement, she has disclosed that on her own volition she had caught a bus from Ramesh Chowk and went to Mithapur. From there she called the son of her maternal uncle (this petitioner) then he came and took her to his house. She further disclosed that because her parents were not allowing her to pursue her studies, she had left her house and went to the house of the petitioner because the petitioner had told that if her parents would not allow her to pursue her studies, he would ensure that his studies continue. Save and except this, no other and further statement has been made by the victim girl.

Learned counsel submits that in such circumstance, the allegation that the petitioner had taken away the daughter of the informant after alluring her in the name of marriage is prima-facie concocted and baseless.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the statement of the victim under Section 164 Cr.P.C. and further considering that this petitioner has been described as son of the maternal uncle of the victim and she



had gone to his house when she was not being allowed to continue with her studies, the petitioner has otherwise no criminal antecedent and has remained in custody for about 10 months, investigation against him is complete and his presence may be secured in course of trial, therefore, 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 Chief Judicial Magistrate, Aurangabad in connection with Town P.S. Case No. 60 of 2021, 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

