

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46299 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- ATRI District- Gaya

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LEELA DEVI W/o Late Mohan Paswan Resident of Village- Manpur,
Pahartali, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv
For the Opposite Party/s : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Atri P.S.Case No.280 of 2020, registered for the offence under Sections 366(A)/34 of IPC.

Prosecution case in brief is that on 14.08.2020, the informant's daughter aged about 15 years went to obey the call of nature then petitioner alongwith other accused persons kidnapped his daughter in the midnight and kept his daughter at the resident of co-accused. After much efforts he came to know that these accused persons kidnapped his daughter.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that there is no specific overt-act or allegation against the petitioner. He further submits that the statement of the victim under Section 164 Cr.P.C. was recorded and the victim has not taken the allegation of overt-act against the petitioner for sexual harassment. He further submits that the police, after investigation, submitted chargesheet against the petitioner. He further submits that co-accused, namely, Guddu Kumar has been granted bail vide order dated 16.04.2021 in Cr. Misc. No.6065 of 2021 and another co-accused, namely, Rakesh Kumar @ Rakesh Roushan has also been granted bail vide order dated 24.02.2021 in Cr. Misc. No.901 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 16.08.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned A.D.J.-XII,



Gaya in connection with Atri P.S.Case No.280 of 2020 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

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.

(Rajesh Kumar Verma, J)

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