

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39824 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- LADAIYATAR District- Munger

Sanidev Kumar, S/O Ganesh Majhi, Resident of village- Borna, P.S.-
Laraiyatand, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Laraiyatand P.S. Case No.4/2022 instituted under Section
366(A) of the IPC.

The prosecution case, in short, is that at the midnight
of 26.01.2022, the informant's daughter was kidnapped by one
co-villager Sanidev Kumar for the purpose of marriage. During
search, informant contacted the family members of Sanidev
Kumar but were abused. After few days on 09.02.2022,
informant came to know that victim has come to the house of
Sanidev Kumar, but she do not return to his house. Accordingly,
the FIR was lodged.



Subsequently, the victim girl was recovered and she made statement under Section 164 of the Cr.P.C. on 14th February, 2022 in which she stated that she left her parents home on her own, went to 'Dhanbad' and stayed at the house of relative of the petitioner. Subsequently, the petitioner also reached there and they got married in the temple. It is her further statement that she wants to go with her in-laws house.

Taking into account the statement made by the victim girl under Section 164 of the Cr.P.C. coupled with the fact that the petitioner is in custody since 16.02.2022 (as stated in para-7 of the bail application), he do not have any criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Laraiyatand P.S. Case No.4/2022 to the satisfaction of learned Exclusive Special Judge (POCSO) Cum A.D.J.,VI, Munger, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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