

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39834 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- MAHILA P.S BAGHA District- West
Champaran

=====

Ajay Kumar Giri @ Ajay Giri, Son of Brahma Giri Resident of - Ward No.-
15, Shastri Nagar, P.S.- Bagha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, 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 Bagha Mahila P.S. Case No.62 of 2019 instituted under
Sections 366(A) and 34 of the Indian Penal Code.

As per the prosecution story, the accused persons
kidnapped the informant's daughter for the purpose of marriage.
Subsequently, the informant came to know she is at Manoj
Yadav's relative residence from where he brought her back and
thereafter the present FIR was lodged.

Learned counsel for the petitioner submits that
allegation is against Manoj Yadav that he intended to marry the
daughter of the informant which led to the alleged occurrence.



His further submission is that he has only been made an accused in FIR but no specific role has been assigned to him. He was not originally sent up but later cognizance has been taken against him. His last submission is that although specific allegation is against Manoj Yadav and he has since been enlarged on bail by a co-ordinate Bench of this Court vide Cr. Misc. No.28869 of 2021 (Annexure-4 of the bail application).

Taking into account the aforesaid facts as also that Manoj Yadav has since been released on bail, the petitioner is in custody since 28.03.2022 (as stated in para-18 of the bail application), he do not have criminal antecedent, ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Bagha Mahila P.S. Case No.62 of 2019 to the satisfaction of learned Additional District & Sessions Judge, VIIth,cum Special Judge (POCSO), West Champaran, Bettiah, 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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 /-

U		T	
---	--	---	--

