

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50258 of 2021**

Arising Out of PS. Case No.-227 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Rahul Kumar Ram S/O Fekan Ram R/O Village-Nariar, P.S.-Saharsa, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 05-05-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366, 366(A)/34 of the Indian Penal Code and later on Section 34 of the Indian Penal Code and Section 8 of the POCSO Act was added.

As per prosecution case, it is alleged by the informant namely Md. Shamshul that the accused petitioner along with co-accused Vikash Ram kidnapped his daughter Afshana Praween by an Apache Motorcycle. It is further alleged that his wife and other villagers have seen the occurrence. It is further alleged that



co-accused Vikash Ram returned at about 9:00 PM and on being asked he abused the informant and Rs. 22,000/- cash, ATM Card, Adhar Card and other documents were also missing from my house.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the petitioner and the victim has solemnized marriage on 07.03.2021 and the police has arrested the petitioner on 20.03.2021. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she has performed marriage with the petitioner. Further submits that it appears from the medical report of the victim, she has refused for medical examination and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.03.2021.

Learned APP for the State has 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saharsa P.S. Case No. 227 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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