

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53678 of 2021

Arising Out of PS. Case No.-375 Year-2021 Thana- BANKA District- Banka

Uday Giri Son Of Gouri Shankar Giri Resident Of Village Mathchilame, P.S.
Dariyapur, District- Chhapra (Saran).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 366 of the Indian Penal Code.

According to prosecution case, as per the F.I.R., is that on 10.05.2021, when the wife of the informant namely, Khushboo Kumari went to Banka for withdrawing money from the bank, she was abducted by unknown person.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R.



that the date of occurrence as alleged on 10.05.2021 but the present F.I.R. has been instituted on 14.05.2021 after delay of four days without any explanation. He further submits that In fact the petitioner is not named in the F.I.R. and only on the basis of suspicion the name of the petitioner has been transpired in the present case. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she had prior acquaintance with the petitioner and there is no force used by the petitioner. He further submits that during investigation nothing has come against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Banka P.S.



Case No. 375 of 2021, subject to 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 witnesses, 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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