

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54439 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- KADWA District- Katihar

Deepak Kumar Das, Son of Ganesh Das, Resident of Village- Kumhri, Police Station- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajnish Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kadwa P.S. Case No. 23 of 2021 registered for the offences punishable under Sections 366A, 323. 379, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 11.01.2021, the minor daughter of the informant went along with the informant for giving practical examination, but she did not come out from the school. On query from other persons, the informant came to know that his daughter was taken away by some one on his motorcycle to Purnea. On the aforesaid



information, the informant went to the house of the petitioner where all the family members abused and assaulted him.

Learned counsel appearing on behalf of the petitioner submits that with regard to an occurrence which took place on 11.01.2021, the present F.I.R. has been instituted on 16.01.2021, after a delay of five days, but no reason has been assigned. It is next submitted that during the course of investigation, the victim and the petitioner were apprehended and the statement of the victim has been recorded under Section 164 of the Cr.P.C. wherein she has categorically stated she called the petitioner and thereafter voluntarily left her house and went along with the petitioner. She further stated that on her persuasion, the petitioner took her to Delhi where they have solemnized marriage and when they came to know that the family members have been arrested, they returned to their village. The victim also stated that she is apprehending danger from her parents, as earlier also marriage was solemnized with the petitioner, but they did not approve their marriage and she wants to live with the petitioner. The victim has also disclosed her age as 19 years.

On the other hand, learned APP for the State vehemently opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the statement of the victim recorded



under Section 164 of the Cr.P.C. wherein she has not made any allegation, whatsoever against the petitioner, and the petitioner, having clean antecedent, is in custody since 21.01.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 23 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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