

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53641 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- NAURANGIA District- West Champaran

GAUTAM KUMAR Son of Umesh Mahato Resident of Village- Matiyariya,
P.S.- Naurangia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R.S. Sahans
		Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s :		Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-05-2022 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 376, 420, 504 and 34 of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act.

As per prosecution case, it is alleged by the informant namely Ramesh Chaudhary that the accused petitioner for last two years made sexually relation with the victim on the pretext of marriage and as soon as it came to the knowledge of the informant, then he approached to the guardians of the petitioner



for marriage of both persons, but the demand of dowry was made and ultimately denied the marriage. It is further alleged that petitioner had taken the victim to his house but after two days the other accused get her ousted from the 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 as per medical report the age of the victim is about 19 to 20 years and the allegation as alleged in the F.I.R. was consensual and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.05.2021.

Vide order dated 05.04.2022 a report was called for with regard to the present stage of the trial. The report reveals that till date charge has not been framed.

Learned APP for the State has opposed the prayer for bail of the petitioner and fairly submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which the allegation as alleged in the F.I.R. is confirmed.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** 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 Naurangiya P.S. Case No. 21 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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