

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54260 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MADHUBAN District- East Champaran

Raju Ram S/O Ramashray Ram R/O Village-Kajranha, P.S-Madhuban,
District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Madhuban P.S. Case No. 11 of 2021 registered under
Sections 363, 366, 366A and 34 of the Indian Penal Code.

Allegation against the accused persons is of
kidnapping the informant's minor daughter.

In this case, earlier case diary was called which has
since been received in which it was not clear that whether the
informant's daughter has been recovered and/or any statement
has been made by her or not. Accordingly direction was issued.

Pursuant thereto a sealed envelop has been received
from the learned Court below and on perusal of the same it



shows that the girl has been recovered and her medical examination was held at Sadar Hospital, Motihari and the Medical Board opined the girl to be between 18 to 20 years of age. The statement of the victim girl was also recorded under Section 164 of the Cr.P.C. in which she made a categorical statement that she had married with Vikram and had gone to Punjab thereafter.

Taking into account the aforesaid facts that the Medical Board has opined her age to be between 18 to 20 years and the girl has made a statement under Section 164 Cr.P.C. that she had gone to Punjab on her own with Vikram Ram after marriage as also the fact that the petitioner do not have any criminal antecedent and he is in jail since 09.06.2021 (as stated in paragraph-12 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of 7th Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran at Motihari in connection with Madhuban P.S. Case No. 11 of 2021, subject to the 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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