

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54863 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- NAANPUR District- Sitamarhi

Rajeev Kumar Sah Son Of Ram Baran Sah R/O Village- Barahmaul, P.S.-
Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Nanpur P.S.Case No. 23 of 2021 for the
offences punishable under Sections 363, 366A of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
31.01.2021, the daughter of the informant aged about 16
years went to the village for some work but she could not
return till evening. It is further alleged that this petitioner
was involved in illegal confinement of the daughter of the



informant. Even though the parents of the petitioner gave assurance and their mobile to the informant so that the victim could be recovered but she could not be traced out.

It is submitted on behalf of the learned counsel for the petitioner that the victim girl has been recovered from Punjab along with this petitioner and her statement has been recorded under section 164 of the Cr.P.C in which she categorically stated that she voluntarily went along with this petitioner and solemnized marriage with her own sweet will. It is also submitted by the learned counsel for the petitioner that the victim was sent in remand home but her parents has refused to take away the victim to their home. It is next submitted that petitioner is in custody since 19.06.2021 and the investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposes the prayer of the petitioner and submits that as per the date of birth of the victim as has been shown in the school record, she was minor at the time of alleged occurrence. Hence, her statement cannot be taken into consideration.



Having heard the rival contentions of the parties and taking into consideration the fact that, the statement of the victim has been recorded under section 164 of the Cr.P.C in which she has not made any allegation against this petitioner and categorically stated that she voluntarily left her home with this petitioner and now she obtained majority and she has been released in favour of the parents of the petitioner and this petitioner having no criminal antecedent and he is in custody since 19.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, , Pupri at Sitamarhi in connection with Nanpur 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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