

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57624 of 2021

Arising Out of PS. Case No.-347 Year-2021 Thana- BANKA District- Banka

RAHUL RAY Son of Puran Ray Resident of Village - Dhodhri (Ramla Dikwani), P.S.- Godda, District - Godda (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard Md. Najmul Hodda, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Banka P.S. Case No. 347 of 2021 registered for the offences punishable under Sections 366-A and 34 of the Indian Penal Code.

As per prosecution case, on 04.05.2021 one Lata Devi filed a written report before the SHO, Banka Police Station in which she has alleged that on 29.04.2021 at about 2 P.M. her minor daughter aged about 16 years of age, went outside of the house, the informant searched her daughter and she found that her daughter was kidnapped by Rahul Kumar alongwith two others on motorcycle with intention to marry her. It is alleged that Rahul

Kumar kidnapped with the intention to marry her.

Learned counsel for the petitioner submits that petitioner is quite innocent and he has not committed any offence. He has falsely been implicated in this case by the informant. Informant's daughter namely Kiran Kumari is major aged about 18 years. She has love affairs with the petitioner. It has been categorically submitted by counsel of the petitioner that the occurrence took place on 29.04.2021 whereas FIR lodged on 04.05.2021. As informant is quite aware with regard to lodging FIR on account of social pressure, she has lodged this case after 6 days from the occurrence. Petitioner bears no criminal antecedent and petitioner is custody since 29.05.2021 and statement of informant's daughter recorded under Section 164 Cr.P.C., on 29.05.2021, in which she has not supported the case of prosecution. She has love affairs with the petitioner and also solemnized marriage with the petitioner. She has stated in her statement that love has started between the petitioner and the victim girl, on account of talking term, she voluntarily called petitioner and then she escaped away on 29.04.2021 from the residence of the informant.

The learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and

the statement of victim girl that she has called the petitioner to escape away from the residence, but petitioner has not done the act of inducement fortaking away the informant girl from the house of the informant, keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 347 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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