

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58091 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- DALSINGHSARAI District- Samastipur

SANTOSH KUMAR SAH S/o MADAN SAH R/o CHANKANAWADA
WARD 04, POST-CHANKANAWADA, NAWADA, P.S-DALSINGHSARAI,
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 29.04.2021, seeks
regular bail in connection with Dalsinghsarai P.S. Case No. 110
of 2021 dated 21.04.2021 registered for offences punishable
under Sections 34, 363 and 366(A) of the Indian Penal Code.

Allegation is of kidnapping of the daughter of the
informant by one Nitish Kumar. The present petitioner has been
alleged to have participated in the said kidnapping of the
daughter of the informant along with other co-accused named in
the FIR.



Learned counsel appearing on behalf of the petitioner submits that petitioner is not even remotely connected with the alleged allegation made in the FIR rather the victim girl had herself left her house along with Nitish Kumar. They remained together and on 28.03.2021, the victim as well as co-accused Nitish Kumar solemnized their marriage and, thereafter, they are happy with their conjugal life. Petitioner has clean antecedent and he is in custody since 29.04.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner and the fact that victim, who is the daughter of the informant, has already solemnized marriage with the co-accused Nitish Kumar, there is no allegation of any physical assault or sexual assault to have been committed by the present petitioner, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Dalsinghsarai P.S. Case No. 110 of 2021 dated 21.04.2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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