

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58632 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rohit Kumar, S/O Ram Sevak Yadav, R/o village- Kirtaul, P.S.- Teghara,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No.70 of 2021 registered under Section 366(A) of the Indian Penal Code.

In the FIR, the informant alleged that her 13 years daughter disappeared and she failed to locate her. On her mobile, a call came when she picked it up, on hearing her voice the other side disconnected the call and thereafter the mobile was switched off. She lodged FIR stating that the holder of the said mobile number has actually kidnapped her daughter.

During investigation the role of petitioner had also come and accordingly case diary was called for on 12.04.2022. The case diary has been received and has been perused by the learned APP.



Learned counsel for the petitioner submits that he is innocent and only because of the fact that he is friend of the said accused Murari, his name has been dragged. He further submits that even the statements made in the case diary attributes the allegations that has been levelled of kidnapping and rape attribute to the accused Murari who wanted to marry the victim girl and having unable to do, so he committed rape on her. So far as this petitioner is concerned, the only allegation against him is that the at the initial stage when the victim girl tried to flee away, he caught hold of her for which he has already suffered and he is in jail since 30.06.2021 (as stated in para-9 of the bail application). He further submits that he has clean antecedent.

Considering the aforesaid facts that the main role has been attributed to accused Murari, charge sheet has already been submitted and he is in jail since 30.06.2021, this Court is inclined to grant him privilege of bail. If however, it comes to the notice of the learned court below that contrary to the statement made in para-3 of the bail application (that he has no criminal antecedent) this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the



like amount each in connection with Muffasil P.S. Case No.70 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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