

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49862 of 2022**

Arising Out of PS. Case No.-10 Year-2015 Thana- SAHPUR District- Patna

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Santosh Kumar Son of Rama Rai Resident of Village - Nakta Diyara, P.s.-  
Dighha, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Prasad, Advocate  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-12-2022                      Learned counsel for the petitioner is permitted to  
  
remove the defects, as pointed out by the office, if any, within a  
  
period of four weeks from today.

Heard learned counsel for the petitioner and learned  
  
APP for the State.

The petitioner is apprehending his arrest in a case  
  
registered for the offences punishable under Sections 363 and  
  
366(A) of the Indian Penal Code

As per prosecution case, it is alleged by the informant  
  
that her niece namely Soni Kumari aged about 13 years  
  
disappeared on 05.01.2015 at about 10:00 A.M. she left her  
  
home for attending the school but did not return home. On  
  
search it came to know that she is abducted by the accused  
  
persons with intention of marriage.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the victim girl was in love with the petitioner Santosh Kumar and they have performed the marriage on 06.11.2014. He further submits that they are living together as a husband and wife and they have blessed two child.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shahpur P.S. Case No. 10 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) One of the bailors must be the victim girl namely Soni Kumar @ Kajal Kumar, who is wife of the petitioner.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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