

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 50009 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- JHANJHARPUR District- Madhubani

KAUSHAL KUMAR SON OF NARAYAN CHAUDHARY R/O VILLAGE-
CHAURA MAHRAIL, P.S.- JHANJHARPUR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Adovate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Jhanjharpur P.S. Case No. 96 of 2022 for the offences under
Sections 365/366 of the Indian Penal Code.

As per the prosecution story, the informant Lal Babu
Kumar alleged that his sister, 21 years of age, was sleeping in the
house when she was taken away by Kaushal Kumar and as despite
best of effort, she could not be traced out, the FIR was lodged.

Subsequently, the victim girl was recovered and she
made deposition under Section 164 of the Cr.P.C. in which it was
stated that she was called by Kaushal and accordingly, she went
on motorcycle and subsequently married him in a temple. Later,



they were picked up by the local police who called their respective guardians whereafter she left with her guardian. Her further deposition is that during the period that she stayed with Kaushal, he never made any physical relationship with her. She further refused to get her medical examination done.

Taking into account the aforesaid facts as also that the girl is major, the chargesheet stands submitted and the petitioner is in custody since 1.6.2022 (as stated in para-16 of the bail application), this Court is inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.1st, Jhanjharpur, District-Madhubani, in connection with Jhanjharpur P.S. Case No. 96 of 2022, subject to the 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 reason will entail cancellation of his/her bail bond 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 evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay/-

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