

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60890 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- RIGA District- Sitamarhi

=====

BHOLA RAY S/O KODAI RAY, R/o Village- Chotahi, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dr. Alok Kumar Alok, Advocate
		Mr. Birendra Kumar, Advocate
For the Opposite Party/s :		Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Riga P.S. Case No. 303 of 2020 lodged under Sections 363 and 366(A)/34 of Indian Penal Code.

As per prosecution, the allegation against the present petitioner is to kidnap the daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that this allegation is absolutely false and may not be accepted. He further submits that the alleged victim has recovered and she has

narrated in her statement under Section 164 of Cr.P.C. that she was not kidnapped rather she went with the petitioner with her consent. It has also been accepted in her statement under Section 164 of Cr.P.C. that they have solemnized the marriage and from this marriage, she is pregnant also. Learned counsel for the petitioner further submits that petitioner is in custody since 29.06.2021 having clean antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the age of the girl is 14 years but in statement under section 164 of Cr.P.C. the girl herself stated that her age is 19 years.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-6th-cum-Special Judge, Sitamarhi/Concerned Court in connection with Riga P.S. Case No. 303 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following

conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--