

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61296 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- BALIGAON District- Vaishali

RAHUL KUMAR Son of Ram Gulam Sah Resident of Village - Gobindpur
Bela, P.S.- Baligaon, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Baligaon P.S. Case No. 37 of 2021 registered for the offence under Sections 363, 366(A) and 34 of the Indian Penal Code.

The sister of the informant is said to have been abducted by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact,



the victim and the petitioner was having love affair and the victim out of her sweet will performed marriage with the petitioner. Moreover, the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she herself has performed marriage with the petitioner in Shyam Temple at Darbhanga. Therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 05.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-I Class, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 37 of 2021 with the following conditions:-

(1) 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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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