

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62187 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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Vishwanath Pandit S/O Jamiri Pandit R/O Village-Thikaha Bhawanipur, P.S-
Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366(A)/34 of the Indian
Penal Code.

According to prosecution case, the informant Nagina
Prasad Kushwaha in his written statement before the police
stating therein that on 04.02.2020, morning, his daughter
namely Neha Kumar aged about 14 years went out to defecate
but she did not return. On searching, he found that the F.I.R.
named persons have taken away his daughter by Bolero vehicle,
with intention to get married with accused Ajay Manjhi, when



the informant contacted them; he was told that his daughter will be returned, but it was not done. It is further stated by the informant that the petitioner is also involved because he was nexus with the accused.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the co-accused namely, Ajay Manjhi and victim were having love affairs and they performed marriage and after marriage they are living together. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically denied the allegation of sexual assault against the petitioner. He further submits that it has come during the investigation that the victim girl has performed marriage with Ajay Manjhi and this fact has also been mentioned in para 149, 153, 160 and 162 of the case diary. The petitioner is in custody since 29.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Sangrampur P.S. Case No. 37 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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