

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62501 of 2021**

Arising Out of PS. Case No.-43 Year-2021 Thana- SIKTA District- West Champaran

RAMPUKAR PATEL @ RAJKUMAR PATEL S/o Chanarjeet Patel @
Chandar Jit Resident of Village - Behari, P.S. - Sikta, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

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

2 25-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 363, 366A and 34 of the Indian
Penal Code and Section 8 of POCSO Act.

The daughter of the informant is said to have been
enticed away by the petitioner and others for the purpose of
marriage.

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. He
further submits that the occurrence is of 23.03.2021
whereas the F.I.R. is said to have been registered on



05.05.2021 after lapse of twelve days without explaining the plausible delay, which creates doubt over the prosecution version. He further submits that there is love affair between the victim and the brother of the petitioner and merely because the petitioner happens to be the brother of Sri Patel who was having love affair with the victim, he has been made accused in this case. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she had gone out of her free will and she has performed marriage with Sri Patel in a temple and living with him happily. She has denied that allegation of her abduction. The petitioner is rotting in judicial custody since 07.07.2021.

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 Court below where the case is pending in connection with Sikta P.S. Case No. 43 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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