

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54233 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- SAHPUR District- Bhojpur

ROHIT KUMAR SINGH @ MOHAN SINGH Son of Anil Kumar Singh @
Anil Singh R/O Village - Maharaja, P.S.- Shahpur, District - Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Shahpur P.S. Case No.190 of 2022 instituted under Section
366, 376 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that his daughter disappeared in the night of 26-
27/05/2022 and upon search he came to notice that the petitioner
herein has taken her with the purpose of marriage. Accordingly,
the F.I.R. was lodged.

Learned counsel for the petitioner submits that the
matter is of 26-27/05/2022 whereas the F.I.R. was lodged on



01.06.2022 and perusal of the same would show that there is no explanation for the said delay. He has further attributed the attention of this Court to para-9 of the bail application wherein it has been stated that upon request, the lady refused to undergo medical examination and as such Section 376 cannot be alleged against the petitioner herein. It is his last submission that the petitioner is in custody since 18.06.2022 (as stated in para-1 of the bail application).

Taking into account the aforesaid fact that there is delay in lodging of the FIR, the lady who is major refused to undergo medical examination (as has been narrated in para-9 of the bail application), is in custody since 18.06.2022, charge-sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him privilege of bail. If, however, it is found that the statement made in para-9 of the bail application is incorrect/false, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Shahpur P.S. Case No.190 of 2022 to the satisfaction of learned A.C.J.M., Ist, Bhojpur, Ara, subject to 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 Narayan/
Ajay

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