

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65645 of 2021**

Arising Out of PS. Case No.-5 Year-2021 Thana- GAUNAHA District- West Champaran

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Madhu Ram S/o Kalibali Ram R/o Village- Bhitiharwa, P.s.- Gaunaha,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Jai Narain Thakur

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

3 09-05-2022 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, 366A of the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, on the basis of written report of the informant namely, Jainudin Dewan, who has stated that on 19.12.2020 in the morning, his daughter namely Kalima Khatoon aged about 16 years has been kidnapped by accused persons namely Madhu Ram, Murari Ram and Manju Devi with Rs.30,000/- cash and with Jewelry and other items.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner and victim girl was in love and they have performed marriage. He further submits that the statement of the victim girl recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner and they are living peacefully. He further submits that as per medical report that victim girl was pregnant at the time of medical examination. The petitioner is in custody since 26.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has performed marriage with the victim girl and at the time of medical examination she was pregnant.

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 Gaunaha P.S. Case No. 05 of 2021, 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. One of the bailors shall be the wife of the petitioner namely, Kalima Khatoon who is also victim in the present case.

4. 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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