

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66963 of 2021

Arising Out of PS. Case No.-259 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Utkal Kumar @ Lalu, S/o- Ram Auatar Chaudhary, R/o Village- Baluganj,
Ward No. -02, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Daudnagar P.S. Case No. 259 of 2021 registered for the alleged offences under Sections 376, 420, 341, 323, 354, 354 (A), 504 and 506/34 of the Indian Penal Code.

Allegedly, the petitioner established sexual relationship with the informant on assurance of marriage. Later on, he refused to marry her and co-accused assaulted the informant.



The learned counsel for the petitioner submits that it is apparent from the FIR that there was consensual relationship between the informant and the petitioner and she eloped with him. However, there are dispute between the family of the petitioner and the informant and the entire family members of the petitioner have been made accused in this case and the FIR has been registered after a delay of one month and ten days. Though the sister of the informant claimed herself to be an eye witness to the alleged occurrence, the informant herself does not mention this fact anywhere and this shows falsity of allegation. The learned counsel further submits that the petitioner is in custody since 3.06.2021.

Learned counsel appearing on behalf of the informant opposes the contention made on behalf of the petitioner. Learned counsel submits that all along the informant and the witnesses in the case diary have supported the prosecution case. The informant has also reiterated the allegations in her statement recorded under Section 164 Cr.P.C.

Having regard to the submissions made hereinabove and considering the fact that the informant, a married lady, went away willingly with the petitioner and further considering the period of detention of the petitioner, the petitioner above named



is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Daudnagar in connection with Daudnagar P.S. Case No. 259 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.

(v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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