

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68161 of 2021**

Arising Out of PS. Case No.-239 Year-2019 Thana- PAHARPUR District- East Champaran

=====

Manoj Thakur Son of Suren Thakur @ Surendra Thakur @ Suresh Thakur
Resident of village - Sareya Mishrain Tola, P.S.- Paharpur, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-07-2022 Learned counsel for the petitioner submitted that, in the paragraph no.1 of the bail petition, inadvertently, police station case number has been wrongly typed as ‘Paharpur P.S. Case No. 239 of 2021’ instead of ‘Paharpur P.S. Case No. 239 of 2019’.

So, Learned counsel for the petitioner is permitted to correct the same during the course of the day itself.

Heard learned counsel appearing on behalf of the



petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Paharpur P.S. Case No. 239 of 2019 registered for the offence under Sections 363, 366A and 34 of Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 08.08.2021.

The allegation against the petitioner is to involve in the kidnapping of minor daughter of the informant, aged about 15 years, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that from the statement of victim, as recorded under Section 164 of Cr.P.C., it appears that she went on her own sweet will with the petitioner and solemnized marriage. It is submitted that the age of the victim at the time of occurrence was 17 to 18 years. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while



opposing the prayer of bail fairly conceded that the victim negate the allegation of kidnapping against the petitioner, in her statement recorded under Section 164 of Cr.P.C.

Considering the facts and circumstances as mentioned above, as victim negate the allegation of kidnapping and sexual assault against the petitioner, in her statement under Section 164 of Cr.P.C. coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Paharpur P.S. Case No. 239 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Motihari, East Champaran, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(ii) That one of the bailors shall be
Surendra Thakur, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

