

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69434 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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Sunil Bhagat @ Dhanraj @ A.T.M S/O Hari Prasad Bhagat Resident Of
Village/Mohalla- Sahora, P.S.- A.P.M., District- Darbhanga. Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Kedar Jha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2022 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr. Indihar
Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with A.P.M. P.S. Case No. 217 of 2020 registered for
the offences punishable under Sections 363/366A/504/506/34 of
the Indian Penal Code. He is in custody since 14.09.2021. The
petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, on 12.12.2020 at the time of vidai of elder
daughter of the informant, his younger daughter was missing from
the house. On search, the informant came to know that the victim
girl was seen going towards Darbhanga with this petitioner on a
motorcycle.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the victim girl in her 164 Cr.P.C. statement has stated that she had left her house on her own. It is also submitted that there is no allegation of commission of any indecent act against the petitioner. It is submitted that the petitioner has remained in custody since 14.09.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that in this case the first information report has been lodged after 3 days, the victim girl has come back and made statement under Section 164 Cr.P.C. in which she has stated that she had left her house on her own and had gone to the bus stand from where she had called this petitioner and later on the petitioner left her as he was not willing to marry her and further submission that there is no allegation of commission of any indecent act to the victim girl and it is a case of love affair between the petitioner and the victim girl, the petitioner is himself aged about 21 years and has remained in custody for about 9 months, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Darbhanga, in connection with A.P.M. P.S. Case No. 217 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

And further condition that the petitioner shall not approach the informant or the victim girl and he would not indulge in threatening them in course of trial. In case of any complaint with regard to such act of the petitioner, it will be open for the court below to consider cancellation of bail of the petitioner.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

