

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71310 of 2021

Arising Out of PS. Case No.-253 Year-2020 Thana- GOPALPUR District- Patna

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PANKAJ KUMAR Son of Ranjeet Kumar Resident of Village -
Abdullahchak, P.S.- Gopalpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 01-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 253 of 2020 registered for the offences
punishable under Sections 366(A)/34 of the Indian Penal Code.

As per prosecution case, the victim, who studied in
Class 8, went out of her house to purchase some stationery
materials. When she did not return at home, she was searched
then the informant came to know that Manish Kumar, nephew
of Naresh Paswan of the same village, eloped his girl to
anywhere. It is alleged that the mother of accused Manish
Kumar was also involved for fleeing away informant's daughter.



Learned counsel for the petitioner submits that petitioner is in custody since 14.06.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. Name of petitioner has transpired in this case on the basis of statement of the victim before the police under Section 161 Cr.P.C. In her statement victim herself stated that earlier the co-accused Manish Kumar tried to molest her but she did not make any complaint with her parents against the co-accused which itself shows that she is in love with co-accused Manish that is why Manish took her to Sampatchak for the purpose of marriage but the petitioner has no concern with the love affairs of Manish and the victim girl. It is also relevant to state that victim herself eloped with Manish Kumar as both are in love and that is the reason victim did not raise any hulla when Manish took her through Patna, Fatehpur, Sogi and Sampatchak and finally closed her in a room at Sampatchak, whereas all those places are overcrowded place where victim can raise hulla to call people to rescue her from the accused persons which is evident from her statement under Section 164 Cr.P.C. Learned counsel further submits that from



perusal of the statement of victim girl under Section 164 Cr.P.C., it appears that victim herself stated that accused persons did not commit any wrong against the victim. Learned counsel further submits that the victim and co-accused Manish Kumar have clicked some joint photo which is evident from the joint photos of victim and co-accused Manish Kumar and in one picture Manish was showing himself putting vermilion in the forehead of victim which is evident from Annexure-3 of the bail petition.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties, statement of victim shows that no wrong was committed by the petitioner against the victim and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IX, Patna in connection with Gopalpur P.S. Case No.



253 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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