

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.311 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- BARHARIA District- Siwan

SONU KUMAR S/o Ramjeet Ram R/o Village - Kalyanpur, P.S. - Barauli,
District - Gopalganj, At present R/o Village - Rohrakala, Mahua Totla, P.S. -
Barharia, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363, 366A/34 of IPC.

The prosecution case, in short, is that on 12.08.2021, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) aged about 16 years of the informant for the purpose of her marriage.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case only on the basis of suspicion. In fact the petitioner and the victim was in love and the victim has voluntarily gone with the petitioner and she wanted to marry with the petitioner. She has categorically stated in her statement under Section 164 Cr.P.C. that no one had abducted her and the medical report also does not support any allegation of sexual assault and medical report also suggests that she is aged about 17 to 19 years and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 25.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Barharia P.S. Case No.254 of 2021, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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.

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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