

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.328 of 2022

Arising Out of PS. Case No.-3 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

Kamdev Rajak Son Of Jagdish Rajak Resident Of Village- Damodarpur, P.S.-
Akbar Nagar, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Akbar Nagar P.S. Case No. 3 of 2020, G.R. No. 37 of 2020 registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code. He is in custody since 14.01.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the minor daughter of the informant had gone to college but when she did not return, the informant searched for her and he came to know that Putul Rajak son of this petitioner had kidnapped her daughter for purpose of marriage.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the daughter of the informant is 20 years old and on her own will and volition, married to the son of the petitioner. The petitioner has remained in custody since 14.01.2021 having no criminal antecedent.

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

Having regard to the submission that this petitioner is the father of co-accused Putul Rajak with whom the victim girl has solemnised marriage, the statement of the victim girl has been recorded under Section 164 Cr.P.C. in which she has disclosed her age as 20 years and she has chosen to marry the son of the petitioner and is presently living in her *sasural*, the co-accused have been granted bail vide Annexures '3 series' and the petitioner has remained in custody since 14.01.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released 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 A.C.J.M. 1st, Bhagalpur in connection with Akbarnagar P.S. Case No. 3 of 2020, G.R. No. 37 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.

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'.

