

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.893 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- MAHUA District- Vaishali

Rahul Patel @ Rahul Kumar Son of Shivjee Patel, R/O Village- Kanhauli,
Bishunpur Parsi, P.S.- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yatindra Narayan, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A), 504, 506 of the
Indian Penal Code.

According to prosecution case, on the basis of written
complaint of one Vipin Kumar (informant) this instant case has
been lodged. On 12.08.2021, in the night when all the family
members of the informant after having dinner went on to sleep,
his sister Amrita Kumari aged about 14 years went out for toilet
at 4.00 AM in the morning, she did not come back to home.
Then all her family members went to search and during search,
the villagers told him that a four wheeler vehicle came in the



morning on which there were three to four persons namely Vikash Patel son of Shivjee Patel with his brothers Guddu Patel and Rahul Patel and two-three unknown persons had abducted his sister Amrita Kumari on the vehicle. When the informant called Vikash Patel his phone number was switched off. The informant and his family members went to the home of Vikash Patel his father Shivjee Patel and his brothers told them that Vikash Patel has taken her sister to marry her and abused as well as misbehaved with them. The villagers of Bishunpur Parsi have informed the informant that Mukesh Kumar son of Suresh Singh, Meena Devi wife of Madan Singha dn Rohit Kumar son of Madan Singh all resident of Village Kanhauli Bishunpur Parsi have also helped in the abduction of his sister.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the elder brother of co-accused namely Vikash Patel and petitioner has no concern at all with the alleged occurrence. He further submits that the victim girl was recovered and her statement recorded under Section 164 Cr.P.C. in which she has categorically stated that the co-accused namely, Vikash Patel has committed rape upon her. He further submits that it has come



during investigation that the petitioner was accompanied with the co-accused. He further submits that recently the charge has been framed against the petitioner on 23.07.2022. The petitioner is in custody since 21.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mahua P.S. Case No. 535 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.



3. 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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