

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2653 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- PIRPAINTI District- Bhagalpur

JEETAN KUMAR SAH @ JITAN KUMAR @ KALU SAH @ KAALU
SAH Son of Gouri Shankar Sah Resident of village - Laxmipur, P.S.-
Pirpanti, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.07.2022 in connection with Pirpanti P.S. Case No.182/2022,
F.I.R. dated 14.06.2022, for the offences punishable under
Sections 341, 323, 304, 506, 366(a)/34 of the IPC but the police
after investigation submitted the charge sheet under Sections
366A, 376 of the IPC and Section 4 of POCSO Act and Under
Section 3(i)(r)(s)(w)(i) of the SC/ST Act.

According to prosecution case, the petitioner is alleged
to have kidnapped the minor daughter of the informant with an
intention to marry with her.

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 allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears from 164 Cr.P.C. statement of the victim that the petitioner has named one Alok Kumar, who has committed wrong with the victim but the police has filed the charge sheet in the present case in which the I.O. has impleaded the petitioner as Jitendra Kumar Sah @ Kallu Sah but the name of the father of the petitioner does not tally with the name of the father of the petitioner as mentioned in the F.I.R. and the statement of the victim was contradictory under Section 161 Cr.P.C as well as under Section 164 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.07.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 A.C.J.M.-



XI, Bhagalpur, in connection with Pirpainti P.S. Case No.182/2022, 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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