

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7159 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- JANKINAGAR District- Purnia

ROSHAN KUMAR @ RAUSHAN KUMAR Son of Sri Pappu Yadav
Resident of Village- Bishanpur (Sarvariya Tola), Ward No.-6, P.S.- Bihra,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
01.11.2022, in connection with Jankinagar P.S. Case No. 280 of
2022, F.I.R. dated 31.10.2022, registered for the offences
punishable under Sections 363, 366(A)/34 of the Indian Penal
Code.

Prosecution story as per the F.I.R. is that the petitioner
took away the minor daughter of the informant's daughter aged
about 14 years for the purpose of eating the Prasad of God and
where one of the accused person namely, Balgovind Yadav also
present. The informant further alleged that when his daughter
not came then he searched in his house but could not find out



her and he knew that all the accused persons with the consort and conspiracy kidnapped his minor daughter for the purpose of marriage with the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the date of occurrence as alleged in the F.I.R. is on 24.10.2022 but the present case has been lodged on 31.10.2022 after delay of 7 days giving no explanation of delay. He further submits that the statement of victim girl was also recorded under Section 164 Cr.P.C. in which she has not alleged to any sexually assault against the petitioner and she has also refused for her medical examination and the police after investigation submitted chargesheet and the petitioner is in custody since 01.11.2022.

The learned Additional Public Prosecutor for the State has vehemently 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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, Ist Class, in connection with Jankinagar P.S. Case No. 280 of 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 witness, 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 antecedents, 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)

sanjeev/-

U		T	
---	--	---	--

