

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8487 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- KALUAHI District- Madhubani

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SUMAN KUMAR RAI Son of Ram Prakash Ray R/V- Subhankarpur, P.S-
Kaluahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

Mr. Ravi Prakash, Adv.

Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.09.2022 in connection with Kaluahi P.S. Case No.41/2022,
dated 02.04.2022, for the offences punishable under Sections
363, 366(A) and 34 of the IPC.

According to prosecution case, the petitioner along
with other co-accused persons are alleged to have kidnapped the
minor sister of the informant.

Learned counsel for the petitioner submits that the
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 and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the petitioner was in love with the victim and they have performed their marriage and they are living together. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that she has performed her marriage with the petitioner and she was pregnant at the time of statement recorded under Section 164 of the Cr.P.C. and the medical report also suggest that the victim was pregnant at the time of her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.09.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani in connection with Kaluahi P.S. Case No.41/2022, subject to the following conditions:-

1. One of the bailors must be the victim, namely,



Sanju Kumari, D/o Kishun Rai, Mauza-Shankarpur, P.S.
Kaluahi, District-Madhubani.

2. 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.

3. 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.

4. 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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