

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9593 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- PIPRAKOTHI District- East Champaran

RAHUL KUMAR Son of Manoj Sahani R/v- Majhariya, P.S.- Piprakothi
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 No one appears on call although, the State is present.

The petitioner is in custody since 26.11.2022 in connection with Piprakothi P.S. Case No. 134 of 2022 for the offences under Sections 363, 366-A/34 of the I.P.C. lodged on 07.05.2022 by the informant Sunita Devi.

The prosecution story, in brief, is that on 07.05.2022, the informant Sunita Devi alleged that on 23.04.2022, her daughter, namely, Muskan Kumari went to attend nature's call. In the mean time, all the accused persons named in the F.I.R. including the petitioner namely Rahul Kumar kidnapped her daughter with an intention to marry. It has further been alleged that the Informant consulted Manoj Sahani, who assured to return her daughter. However, as her daughter did not return, the F.I.R.



From the averments, it appears that the couple are happily married and he has already suffered by being in custody.

Learned APP opposes the prayer for bail.

Considering the fact that the F.I.R. has been lodged after 14 days and further the girl under Section 164 of the Cr.P.C. deposed that she herself called the petitioner herein and thereafter went to Rajasthan and got married on 20.05.2022 and further wants to live with him, the petitioner has already remained in custody since 26.11.2022 (as stated in para 13 of the petition), do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Spl. Judge POCSO Act, East Champaran at Motihari, in connection with Piprakothi P.S. Case No. 134 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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