

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10345 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- RAJAPAKAR District- Vaishali

SHANKAR SAH S/o Late Jawahar Sah R/o village- Harpur Mukund, P.S.-
Rajapakar, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard Mr. Bhola Prasad, learned counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with
Rajapakar P.S. Case No. 211 of 2022 registered for the offences
under sections 363 and 366A of the Indian Penal Code lodged
on 18.06.2022 by the informant, Surendra Rai.

As per the prosecution story, the informant alleged
that on 14.06.2022 at about 11 PM night, her niece Ganga
Kumari aged about 16 years went out of home to attend the
natures call. As she did not come back, on suspicion all the
family members started searching her but she was not found.
Again on 15.06.2022 Ganga Kumari was searched and the
informant came to know that Vicky Kumar, Shankar Sah, Sita
Devi with common intention under a conspiracy kidnapped her



with an intention to marry. The informant went to the house of Vicky Kumar where Shankar Sah, Sita Devi and daughter of Shankar Sah started abusing. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is a father of the co-accused, Vicky Kumar who is alleged to have abducted the victim girl. He has stated in paragraph-10 which is incorporated in herein below:-

“10. That it is also submitted that on 26.06.2022 the victim Ganga Kumari herself appeared before Rajapakar P.S. with her father and mother and the I.O. of case recorded her statement under 161 of Cr.P.C. wherein she accepted that she got married with the co-accused Vicky Kumar son of the petitioner and on 15.06.2022 went to Delhi with said Vicky Kumar and the said aforesaid version indicated in the statement u/s 164 of Cr.P.C. before learned Magistrate on 27.06.2022.”

He further submits that the girl was medically examined in which her age was found to be 18 to 20 years which clearly shows that she was major and further no injury was found on her body. The last submission is that he is in custody since 15.11.2022 (as stated in paragraph-13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.



Considering the fact that the petitioner is father of the accused, Vicky Kumar, as per the statement of the girl, she is major and went on her own and solemnized marriage with his son coupled with the fact that the petitioner do not have criminal antecedent and is in custody since 15.11.2022, this Court is inclined to grant him 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 the learned A.C.J.M.-IX, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 211 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 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 his bail bonds;



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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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

