

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11575 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Chandeshwar Sadai Son Of Lalu Sadai R/O Vill.- Narayanpatti, Mushari
Ward No. 12, P.S.- Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukmani Devi Wife Of Sri Satan Sadai R/O Vill.- Basuara Mushari, Ward
No. 10, P.S.- Town Madhubani, Distt.- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
15.11.2022, in connection with Town P.S. Case No. 419 of 2022,
F.I.R. dated 28.10.2022 registered for the offences punishable
under Sections 363, 366(A), 341, 323, 504, 506, 34 of the
Indian Penal Code.

The prosecution case, in short, is that on 17.10.2022
the accused petitioner along with one unknown are alleged to
have kidnapped the minor daughter of the informant with a
wrong intention.

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 petitioner has not committed any offence as alleged in the F.I.R. and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the sexual assault against the petitioner and the medical report of the victim also suggests that there is no sign of any sexual assault upon the victim. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.11.2022.

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, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Madhubani in connection with Town P.S. Case No. 419 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)

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