

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14577 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Saurav Kumar S/O Nandu Yadav Resident Of Village-Heera Tol, P.S.- S.
Kamal, District-Begusarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP
For the Informant : Mr. Braj Bhushan Podar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.11.2022 in connection with Sahebpur Kamal P.S. Case No.
302 of 2022, F.I.R. dated 06.11.2022 for the offences punishable
under Sections 366(A)/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have enticed away the minor
daughter of the informant.

4. Learned counsel for the petitioner submits that
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 offences as alleged in the



F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 03.11.2022 but the present F.I.R has been instituted on 06.11.2022 i.e. after delay of 3 days without giving any explanation of the said delay. He further submits that the statement of the victim was recorded under Section 161 and 164 of the Cr.P.C. in which she has categorically stated that she has left her house with her own sweet will and has performed the marriage with the petitioner. The petitioner is in custody since 09.11.2022.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim was minor and the consent of the minor is no consent in the eye of law and the petitioner has not stated anywhere in his petition that he has solemnized marriage with the victim.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and 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 Chief Judicial Magistrate IV, Begusarai in connection with Sahebpur Kamal P.S. Case No.



302 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Vanisha/-

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

