

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14591 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- CHANAN District- Lakhisarai

AJAY BIND S/O SONE LAL BIND @ SONA BIND Resident of Village-
Dhanwah Beldariya, P.S.- Chanan District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
24.09.2022, in connection with Chanan P.S. Case No. 129 of 2022,
F.I.R. dated 22.08.2022 registered for the offences punishable
under Sections 366A/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 20.08.2022 at
about 07:00 P.M. the informant and her minor daughter aged
about 13 years had gone to market towards purchasing
vegetables and the accused petitioner along with co-accused
persons kidnapped her daughter and threatened to kill her if the
informant lodged a case.

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. He further submits that from a bare perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 20.08.2022 but the presnet F.I.R. was instituted on 22.08.2022 after delay of two days without giving explanation of delay. He further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that nobody has kidnapped her and she has not stated anything about the sexual assault against the petitioner or any oher co-accused persons. He further submits that the police after investigation submitted chargsheet against the petitioner and the petitioner is in custody since 24.09.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

In view of the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail 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 Chief Judicial Magistrate 1st, Lakhisarai, in connection with Chanan P.S. Case No. 129 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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