

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20330 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- KHAJEKALA District- Patna

BIKRAM RAY Son of Ashoka Rai Resident of Village - Tatar, P.S.-
Manigachhi, District - Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Khajekala
P.S. Case No. 414 of 2022 dated 13.12.2022 registered for the
offence under Sections 363, 366(A), 504 and 34 of the Indian
Penal Code.

The petitioner is alleged to have enticed away the
daughter of the victim for the purpose of marriage.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this 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. He further submits
that in fact the petitioner was having love affair between the



victim and both of them have solemnized marriage in Benipur, Darbhanga in presence of family members of the petitioner. He further submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner. According to the adhar card, the victim was major at the time of alleged occurrence. Therefore, no case under Section 366A of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City in connection with Khajekala P.S. Case No. 414 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

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)

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