

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19822 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- KHIJARSARAI District- Gaya

Ritik Raj @ Ritik Babar Son of Raj Kumar Singh Resident of village -
Siswar, P.S.- Khizersarai, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard Mr. Ankit Katriar, learned counsel for the
petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 12.12.2022, in connection with Khizersarai P.S. Case No. 437 of 2022, F.I.R. dated 23.11.2022 registered for the offences punishable under Section 365 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 10.11.2022 the informant's wife went to Khizersarai with her six years old daughter namely Somya Sharma who did not return back home. It is further alleged that his wife was an illicit relationship with a cousin brother namely Ritik Raj @ Raj Babar.

4. 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 stated that she has been threatened by the petitioner so she had gone to Delhi to meet him but she has not stated anything about the sexual assault and it appears from the 164 statement that she had gone to Delhi voluntarily and the petitioner has not compel her to go along with the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the 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-IV, Gaya in connection with Khizersarai P.S. Case No. 437 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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