

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20026 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- BHEJA District- Madhubani

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Santosh Ram @ Santosh Kumar Son of Lal Mohan Ram Resident of village -
Jamuarahi, P.S.- Marauna, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Bheja
P.S. Case No. 92 of 2022 registered for the offence under
Sections 363, 366-A/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 13.10.2022.

5. The allegation against the petitioner is to kidnap the
minor daughter of informant for the purpose of illicit
intercourse/marriage.

6. Learned counsel appearing on behalf of the
petitioner submitted that upon medical examination, the



daughter of informant found major i.e., 20 years. It is further submitted that after recovery of victim her statement was recorded under Section 164 of the Cr.P.C., where she specifically denied allegation of kidnapping and sexual assault rather she stated that she went alongwith Santosh Ram son of Rameshwar Ram out of her own sweet will. It is submitted that implication of this petitioner is only for the reason that he is the brother-in-law of the main co-accused, namely, Santosh Ram son of Rameshwar Ram. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of this petitioner appears being relative of main co-accused, namely, Santosh Ram son of Rameshwar Ram and moreover, victim denied any kidnapping and sexual assault through her statement recorded under Section 164 of the Cr.P.C., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.10.2022, accordingly, above



named petitioner is directed to be released on bail in connection with Bheja P.S. Case No. 92 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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