

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22032 of 2023

Arising Out of PS. Case No.-443 Year-2022 Thana- JAMUI District- Jamui

Pappu Turi S/O- Yogendra Turi Resident Of Village- Badaldih P.S Garhi
District Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 04.09.2022 in connection with Jamui P.S. Case No. 443 of 2022, F.I.R. dated 25.08.2022 for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

4. According to prosecution case, the informant received a call and on the other side his daughter was there and he alleged that his daughter, namely, Sapna Kumari had been kidnapped with bad intention.



5. 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 initially the petitioner was not named in the F.I.R. He further submits that it was mentioned in the F.I.R that the holder of the mobile numbers 7808942336, 8809164167 and 7644963255 might have kidnapped the daughter of the informant. He further submits that the name of the petitioner has been transpired during investigation on the basis of the statement of the victim recorded under Section 161 and 164 of the Cr.P.C. and from perusal of both the statement it appears that both the statements contradict each other. He further submits that the victim has not stated anything about the sexual assault in her 164 Statement. He further submits that it is the admitted fact that the victim is major and her D.O.B as mentioned in paragraph no. 46 of the case diary which was on the basis of the Aadhar card is 01.01.2000.

6. Learned counsel for the petitioner further submits that in view of the aforesaid, no case is made out against the petitioner and the petitioner is in custody since 04.09.2022.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that there secret informant direct and specific allegation against the petitioner that he has kidnapped the daughter of the informant.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 443 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)

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