

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22127 of 2023

Arising Out of PS. Case No.-600 Year-2022 Thana- MANER District- Patna

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Baiju Kumar S/O Prabhu Sao R/O Village- Janipur, Nagwan, P.S- Janipur
(Phulwarisharif), Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Informant	:	Mr. Manoranjan Kumar, Advocate
For the State	:	Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
15.12.2022, in connection with Maner P.S. Case No. 600 of 2022,
F.I.R. dated 25.08.2022 registered for the offences punishable
under Sections 366(A) and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
20.08.2022 the petitioner and other co-accused person are
alleged to have kidnapped the minor daughter of the informant.

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 in fact the
petitioner was in love with the victim and the petitioner and the



victim have solemnized the marriage on 14.12.2022 and statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has also supported the contention of the petitioner that she has performed marriage with the petitioner and she has not stated anything about the sexual assault against the petitioner and she has categorically stated that she is going to live with the petitioner in the in-laws house. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.12.2022.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the date of birth of the victim is 23.01.2009 and it is admitted fact that on the alleged date of occurrence the victim was minor and consent of the minor is no consent in the eye of law and there is direct and specific allegation against the petitioner.

6. Considering the facts and circumstances of the case and the statement of the victim recorded under Section 164 of the Cr. P.C., let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna in connection with Maner P.S.



Case No. 600 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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