

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32615 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- BUNIYAD GANJ District- Gaya

CHUNMUN SAO @ AJEET KUMAR @ AJIT KUMAR Son of Nandkishor
Saw R/o Mohhala Moticalandar, Manpur, PS- Buniyadganj, Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.09.2022 in connection with S.Tr.No.750 of 2022 arising out
of Buniyadganj P.S. Case No. 250 of 2022, F.I.R. dated
11.08.2022 registered for the offence punishable under Section,
363,366A,504,506/34 of IPC.

3. The prosecution case, in short, is that on
10.08.2022, accused persons including the petitioner are alleged
to have kidnapped the minor daughter (the victim) aged about
16 years of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as
alleged in the FIR is false and fabricated and the petitioner has



not committed any offence as alleged in the FIR. Further submits that in fact the victim was in love with one Vijay Kumar Sao, who is co-accused in the present case, and statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has gone with co-accused, namely, Vijay Kumar Sao and she has solemnized the marriage with Vijay Kumar Sao and she has not stated anything about the petitioner and Vijay Kumar Sao, with whom the victim has performed the marriage, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 05.05.2023 passed in Cr. Misc. No.10479 of 2023. Co-accused persons, namely, Dharmendra Sao @ Karu Sao and Deepak Sao @ Deepak Kumar have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 10.05.2023 passed in Cr. Misc. No.10691 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.09.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned A.D.J.-II, Gaya in connection with S.Tr.No.750 of 2022 arising out of Buniyadganj P.S. Case No. 250 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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