

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30747 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Dipu Kumar Son of Vinod Mahto Resident Of Village- Mishrawalia , P.S-
G.B Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-01-2023 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant and learned APP for

the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 363(A), 366(A)/34 of the

Indian Penal Code.

The prosecution case, in short, is that on 20.09.2021,

accused persons including the petitioner are alleged to have

kidnapped the minor daughter (the victim) aged about 17 years

for the purpose of marriage.

Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the victim girl was recovered and her statement was recorded under Section 161 of the Cr. P.C. in which she has categorically stated that she went to Delhi and she was not kidnapped by anyone including the petitioner and she has not named anyone. He further submits that thereafter the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has kidnapped her. Learned counsel for the petitioner further submits that it appears from the statement of 161 Cr. P.C. and 164 of the Cr. P.C. that the victim girl had changed her version and thereafter on 13.10.2021 the marriage of the victim girl was solemnized with one Sumit Mishra and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.02.2022.

Learned APP for the State as well as learned counsel appearing on behalf of the informant have opposed the prayer for bail of the petitioner and submits that the victim girl has supported the case of the prosecution in her statement recorded under Section 164 of the Cr. P.C.

Considering the facts and circumstances of the case and the period of custody, 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 Court below where the case is pending in connection with G.B. Nagar P.S. Case No. 232 of 2021, with 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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