

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34684 of 2023

Arising Out of PS. Case No.-249 Year-2021 Thana- BHAGWANPUR District- Vaishali

Bheem Sahni S/O- Pradeep Sahni village- Samaspura Ps- Lalganj Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 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 02.03.2023 in connection with Bhagwanpur P.S. Case No. 249 of 2021, F.I.R. dated 28.10.2021 for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

4. According to prosecution case, the co-accused, namely, Rahul Kumar has enticed the daughter of the informant and taken her to Uttar Pradesh.

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 F.I.R was instituted against the co-accused, namely, Rahul Kumar and the name of the petitioner has been transpired during investigation on the basis of the statement of the victim recorded under Section 164 of the Cr.P.C and from this statement, it appears that the allegation against the petitioner and other accused persons that they have forcefully made the victim signed the marriage paper of her with the co-accused, Rahul Kumar and there is no allegation of any sexual assault attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.03.2023.

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

7. 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, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 249 of 2021, 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 witnesses, 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 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)

Vanisha/-

U		T	
---	--	---	--

