

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32666 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- ISLAMPUR District- Nalanda

Upendra Kumar Son of Sri Yodhi Thakur Resident of Village - Makraut,
Police Station- Chiksaura, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Islampur P.S. Case No.88 of 2021 bearing G.R. No. 300 and
POSCO Case No. 22 of 2021, registered for the offences
punishable under Sections 366 (A)/ 34 of the Indian Penal
Code.

The prosecution story as emerges from the FIR is
that on 11.02.2021, daughter of the informant, Rani
Kumari, aged about 18 years went to attend natural call and
did not return.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that as per the statement of the alleged victim as recorded under Section 164 of the Cr. P.C., she is aged about 20 years. He also submits that the accused-petitioner has married the alleged victim and even a child is born out of the marriage and not only his life but the life of one lady and a child is spoilt by this persecution and not prosecution.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents. He also submits that the petitioner has been languishing in jail since 18.02.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly, the statement of the alleged victim as recorded



under section 164 of the Cr. P.C. and age of the lady, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Trial Court, 7th Addition Sessions Judge-cum-Special Judge, POCSO, Nalanda at Biharsharif in connection with Islampur P.S. Case No.88 of 2021 bearing G.R. No. 300 and POSCO Case No. 22 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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