

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34139 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- SONBERSA District- Sitamarhi

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RAGHUNATH RAI @ JAGARNATH RAI SON OF RAM KEWAL RAI @
KEWAL RAI @ RAM KEWAL YADAV RESIDENT OF VILLAGE- PIPRA
PARSAI@ PAKARIYA @ PIPRA PARSAIN, PS- SONBARSAR, DISTT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023

Heard the parties.

The petitioner apprehends his arrest in connection with Sonbarsa P.S. Case No. 148 of 2022 for the offence punishable under Sections 366 (A), 379/34 of the I.P.C. and POSCO Act and 3(i) (r) (s) SC/ST (POA) Act lodged on 25.05.2022 by the informant Sukhlal Ram.

As per the prosecution story, the allegation is of taking away the informant's minor daughter which followed the FIR.

Learned counsel for the petitioner submits that subsequently, the victim girl was recovered and in her 164 Cr.Pc. statement, the allegation was not against the petitioner rather against one Kamlesh Kumar with whom he was not there.



Learned APP opposes the prayer.

Taking into account the aforesaid facts that he has not been named in the 164 Cr.PC. statement made by the victim girl and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge VI Cum Special Judge (POSCO Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 148 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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