

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33942 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- PIPRA District- East Champaran

GAUTAM KUMAR Son of Sambhu Patel Resident of village - Damodarpur,
P.S. - Pipra, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-08-2023 Heard the parties.

The petitioner is an accused in connection with Pipra P.S. Case No. 25 of 2023 registered for the offences under sections 365, 366 and 34 of the Indian Penal Code lodged on 16.01.2023 by the informant, Tunnu Singh.

As per the prosecution story, the father-in-law is the informant alleging that the accused persons who belong to the area/village of his daughter-in-law, Sanjit and Gautam kidnapped her and took her in a '*Bolero*' jeep. This led to the lodging of the FIR.

The case of the petitioner is that the said lady (daughter-in-law of the informant) was in relationship with one Sanjit Kumar, prior to her marriage and it was their consent to leave the place. So far as he is concerned, only because of the



fact that he is a friend of Sanjeet Kumar, has suffered by being in custody since 25.01.2023 (as stated in paragraph 8 of the bail application) though he do not have criminal antecedent.

In this case, case diary was called for and learned APP has taken this Court to the statement of the victim under section 164 of the Cr.P.C. going through it, it seems that it was Sanjeet with whom she was having relationship, used to threaten her to leave the place and had taken her to Pune forcibly. Though, she has named this petitioner also as the person alongwith 3-4 another persons who were part of the group, the main allegation is against Sanjeet Kumar.

Considering the aforesaid facts, the petitioner is 22 years old boy, student, do not have criminal antecedent, has remained in custody since 25.01.2023 (as stated in paragraph 8 of the bail application), keeping him with the hardened criminals inside the jail will serve no purpose when charge sheet has already been filed in the matter, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned CJM, East Champaran, Motihari in connection with Pipra P.S.



Case No. 25 of 2023, subject to the following conditions:-

(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 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 his bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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