

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35924 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- MAHNAR District- Vaishali

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GOLU KUMAR Son of Santosh Ram @ Santosh Das Resident of village -
Makkanpur, P.S. - Mahnar, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard Mrs. Bela Singh, learned counsel for the

petitioner and learned APP for the State.

The petitioner is an accused in connection with Mahnar P.S. Case No. 183 of 2022 registered for the offences under sections 363, 366A and 34 of the Indian Penal Code lodged on 05.07.2022 by the informant, Pinki Devi.

The prosecution case, in brief, is that Pinki Devi, wife of Praduman Shah, resident of village Lodipur Lakhraj, P.S.- Mahnar, District- Vaishali gave a written application before S.H.O.- Mahnar, Vaishali alleging therein interalia that his minor daughter had gone to Muzaffarpur with his son-in- law, Raja Gupta for some work in her school. As her mobile was left in her house, she returned to her house for taking it, leaving her brother-in-law beside the road. Later she went missing. After



search, she got information that her daughter was with Navin Kumar son of Sukhdev Ram, resident of village Makkanpur, P.S.-Mahnar District Vaishali, who made call to her son-in-law Ravi Kumar and said that he is along with Bhumi Kumar at Doriganj Bazar. However, when her family members went there to search them, they did not find them. They got information that his friend Golu Kumar (Petitioner) was also with them and their mobile was switched off. It has further been alleged that after some time, his sister Savita Devi called her and threatened her. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the girl is happily married with one Navin Kumar with whom she eloped. The petitioner had no role to play in it and has been dragged in the case only because it was found that he was also accompanying the couple.

The last submission is that from the order sheet, it is clear that the girl in her statement under section 164 Cr.P.C. made favourable statement so far as this petitioner is concerned.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that she was a minor.

Considering the submissions put forward by Mrs. Bela Singh, learned Counsel for the petitioner as also after



perusing the order sheet of the learned Session Judge and the observation as submitted by the learned Counsel for the petitioner stated above, is in custody since 04.11.2022 (as stated in paragraph 13 of the petition), 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 Thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Hajipur, Vaishali in connection with Mahnar P.S. Case No. 183 of 2022, 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 appear before the concerned police station every month for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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