

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35093 of 2022

Arising Out of PS. Case No.-457 Year-2021 Thana- BEUR District- Patna

=====

UTISH KUMAR Son of Mahendra Chaudhary @ Ranjeet Prasad Resident of
Village - Athmalgola, Budara, P.S. - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 363 of the Indian Penal Code but
the cognizance has been taken under Sections 363, 366 and
366(A) of the Indian Penal Code.

The daughter of the informant is alleged to have
been eloped by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the victim girl has been recovered and
her statements under Sections 161 and 164 Cr.P.C. have been



recorded. She in her initial statement recorded under Section 161 Cr.P.C. has not stated anything about the petitioner but subsequently, the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed wrong with her, therefore, her statements are contradictory to each other and cannot be relied upon. He further submits that the victim was examined by the lady doctor who does not find any external or internal injury on the person of the victim. He further submits that the petitioner has been arrested by the police before the recovery of the victim girl. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Beur P.S. Case No. 457 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

