

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35872 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- DEEPNAGAR District- Nalanda

SURENDRA KUMAR @ SURENDRA @ ROCKY S/O BHAGWAT
PASWAN R/O Village- Shyam Nagar, P.S.- Deepnagar, Dist.-Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023

Heard the parties.

The petitioner is in custody since 3.3.2023 in connection with Deepnagar P.S. Case No. 103 of 2023 for the offence punishable under Section 366A of the I.P.C. lodged on 26.2.2023 by the informant Prabhat Kumar.

The prosecution story, in brief, is that the informant alleged that on 24.2.2023, his minor daughter Shanti Kumari went to Deepnagar for the purpose of updating the pass-book but failed to return. They tried to search her and later got information that the petitioner took her daughter away. Accordingly, the FIR.

Learned counsel for the petitioner submits that although the victim's girl father has lodged the FIR, subsequently, upon knowledge of the same, they themselves



returned.

It is his further contention that they were in love and on the instance of the girl, they had left the place. He further submits that from the order-sheet of the Sessions Court, it does not transpire that any physical relationship was made with the victim girl.

Learned APP opposes the prayer stating that the victim girl has stated that she was forced by the petitioner to go to Surat.

Considering the age of the petitioner as also that he do not have criminal antecedent, remained in custody since 3.3.2023 (as stated in para-12 of the bail application) and ultimately he has to face the trial and from the order-sheet of the Sessions Court, it does not transpire whether any physical relationship was made with the victim girl, this Court is inclined to extend him the privilege of bail with conditions.

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 learned Chief Judicial Magistrate, Nalanda (Biharsharif), in connection with Deepnagar P.S. Case No. 103 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

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

