

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35790 of 2023

Arising Out of PS. Case No.-181 Year-2021 Thana- MASAUDHI District- Patna

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BAIJU SAO @ BAIJU GUPTA S/O RAJNANDAN SAO R/O Village-
Islamchak, Kako P.S-Kako, Dist.-Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-08-2023 Heard the parties.

The petitioner is an accused in connection with Masaurhi P.S. Case No. 181 of 2023 registered for the offences under sections 363, 366A and 34 of the Indian Penal Code lodged on 16.03.2023 by the informant, Kamlesh Prasad.

As per the prosecution story, the informant has alleged that his daughter went to attend coaching class but failed to return, later came to know that subsequently got a call that accused Deepak Kumar has taken away his daughter to Jehanabad with an intention to marry in which his closed ones including this petitioner are also involved. Accordingly, the FIR.

It is the case of the petitioner that the main allegation is against Deepak Kumar that he took away the daughter of the informant for the purpose of marriage only because this



petitioner is close to him, his name has been dragged.

Subsequently the victim girl was recovered at Patna Zoo and thereafter went away with the family and the subsequent statement made under section 164 of the Cr.P.C., she supported the prosecution story.

Learned Counsel for the petitioner submits that in any case, he is not Deepak Kumar who had taken away the girl. His further submission is that off late, the informant's side realized the confusion that led to the lodging of the FIR and now the informant realized that the petitioner do not have any role in the alleged act of Deepak Kumar and accordingly, a petition has been preferred before the Additional Chief Judicial Magistrate, Masaurhi, Patna on 01.08.2023.

Learned Counsel for the informant is appearing in the case and he has supported the later part of the submissions put forward by the learned Counsel for the petitioner that so far as this petitioner is concerned, the informant realizing the confusion/mistake, a petition has been preferred accordingly.

Taking into account the aforesaid facts as also that the main allegation is against Deepak Kumar that he took away the victim girl, who has since been returned, he is in custody since 19.03.2023 (as stated in paragraph 15 of the bail application),



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 learned ACJM, Masaurhi in connection with Masaurhi P.S. Case No. 181 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 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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