

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36260 of 2023

Arising Out of PS. Case No.-234 Year-2021 Thana- JAKKANPUR District- Patna

AJAY KUMAR SONS OF RAMNATH CHOUDHARY @ RAMNATH CHOUDHARY RESIDENT OF - HOUSE OF SHREE SHIVJI YADAV, RAMADHAR GALI, MOHALLA- KARBIGAHYA, POST- G P O, PS -JAKKANPUR DISTRICT PATNA HAVING ITS PERMANENT RESIDENCE AT VILLAGE- AALAPUR SONBARSA, PS- BARAULI, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Sessions Trial No. 646 of 2021 arising out of Jakkanpur P.S. Case No. 234 of 2021 registered for the offences under sections 363 and 365 of the Indian Penal Code lodged on 18.05.2021 by the informant, Pooja Devi.

3. As per the prosecution story, the allegation is that the petitioner along with his father kidnapped the victim girl. Accordingly, the FIR.

4. It is the case of the petitioner that the FIR was lodged after 28 days delay which has not been explained, actually the two families are close to each other and the girl on her own went with the petitioner to Gopalganj, the mother lodged the FIR and that way he is in custody since 25.05.2021 (as stated in paragraph 30 of the bail application) and the



petitioner is ready to appear in the trial diligently.

5. In this case, a case diary was called for by the co-ordinate bench on 24.06.2023, which has since been received.

6. Learned APP for the State has provided the statement of the victim girl which is part of the case diary, under section 164 of the Cr.P.C. according to which, she was in a relationship with the petitioner and on 24.04.2021, she herself requested the petitioner to take her to Gopalganj, she went there and remained with the petitioner's family members for a month and when wanted to marry him then her mother came and took her away. She has further stated that she want to marry the petitioner.

7. Taking into account the aforesaid facts on record, the custody period of the petitioner (25.05.2021), charge sheet stands submitted, do not have criminal antecedent and the trial is on, the petitioner will be diligently appearing in the trial, this Court is inclined to extend him privilege of bail.

8. 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 Additional District and Sessions Judge-XVIII, Patna in connection with Sessions Trial No. 646 of 2021 arising out of



Jakkanpur P.S. Case No. 234 of 2021, 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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