

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37176 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Ram Yash Ram @ Ramyas Ram Son Of Late Jaladhar Ram Resident Of
Village Badkaganw, Ps- Pakaridyal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 06.04.2023 in connection with Piprakothi P.S. Case No. 81 of 2023, F.I.R. dated 05.04.2023 for the offences punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. According to prosecution case, this petitioner along with other accused persons have abducted the daughter of the informant on the pretext of marriage and they have also assaulted the informant.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from F.I.R that the date of occurrence is 29.03.2023 but the present F.I.R was instituted on 05.04.2023 i.e. after delay of 6 days without giving any explanation of the said delay. He further submits that the son of the petitioner was in love with the victim and he has performed the marriage with the victim and the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has performed the marriage with the son of the petitioner and she was living in the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.04.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned 6th Additional Sessions Judge cum Special Judge POCSO, Motihari, East Champaran in connection with Piprakothi P.S.



Case No. 81 of 2023, subject to the following conditions:-

1. One of the bailors should be the victim, namely, Rupanjali Kumari.
2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
3. 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.
4. 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)

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