

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44950 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- KAKO District- Jehanabad

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DIPU KUMAR @ AMAN KUMAR Son of Shambhu Prasad @ Shambhu Shankar Prasad Resident of Mohalla - Bishunganj, P.S. and District - Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The instant application for regular bail has been filed by the petitioner registered for the offence punishable under Sections 366(A), 376 of the Indian Penal Code and Section 4/8 of the POCSO Act and Section 3(2)(vi) of the Sc/ST (POA) Act.

Prosecution case relates to abduction of minor daughter of the informant by the petitioner while she had gone out for call of nature. During course of search, informant came to know that petitioner has abducted her daughter for marriage purpose.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no



offence. There is love affair between the petitioner and daughter of the informant. Statement of the victim girl was recorded u/s 164 Cr.P.C. in which she has stated that out of her own sweet will, she had eloped with the petitioner and performed marriage at Kali Mandir, Purnia. She has not raised any finger against the petitioner for any overt act. Victim has denied the medical test. Petitioner is languishing in judicial custody since 17.01.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ADJ-VI-cum-Special Judge, Jehanabad in connection with Kako P.S. Case No. 03 of 2023 with following conditions:

(1) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or



threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner tease the prosecution party after enlargement on bail, his bail-bonds will be cancelled by the court below.

(Sunil Kumar Panwar, J)

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