

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41415 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- MALSALAMI District- Patna

Raushan Sharma Son Of Harish Sharma Resident Of Lawa Pur, P.S.- Mahnar,
District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar, S/o Ram Adhar Singh, resident of Nawabganj, Chhoti
Mandir, P.S. Malsalami, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail, who is in custody since
09.05.2022, F.I.R. Dated 01.05.2022, registered for the offences
punishable under Sections 363, 366(A), 379 of the Indian Penal
Code.

The prosecution case, in short, is that on 23.04.2022,
the petitioner is alleged to have kidnapped the minor daughter of
the informant aged about 14 years for the purpose of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that in fact



the petitioner is cousin brother (maternal) of the victim and the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence had taken place. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she herself had gone with the petitioner and the petitioner has not committed any wrong with her. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.05.2022.

Learned counsel appearing on behalf of the Informant as well as learned APP for the State have opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-IV-cum-A.C.J.M., Patna City, Patna in connection with Malsalami P.S. Case No. 242 of 2022, with the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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