

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41856 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- CHAKAND District- Gaya

Rohit Kumar S/O Kaila Das @ Suresh Das @ Suresh Ravidas R/O Village-
Kawar Bigha, Dangara (DUMRA), Ps. Aati, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 15.04.2023 in connection with Chakand P.S. Case No.121 of 2023, F.I.R. dated 08.04.2023 registered for the offence punishable under Sections 363,366(A) of IPC.

3. The prosecution case, in short, is that on 07.04.2023, petitioner is alleged to have kidnapped the minor daughter (the victim) aged about 16 years of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated. In fact the petitioner was in love with the victim and they have performed the



marriage with the victim in a Temple and the victim was recovered and her statement was recorded under Sections 161 Cr.P.C. as well as 164 Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner on 08.04.2023 and her parents are not ready of the present marriage so they have filed the present false case against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.04.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that although the victim has not supported the case of the prosecution but the date of birth of the victim suggests that the victim is minor on the date of occurrence but fairly submits that the victim has categorically stated that she has performed the marriage with the petitioner on her own sweetwill.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges, if not framed**, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Chakand P.S. Case No.121 of 2023, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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