

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44989 of 2023

Arising Out of PS. Case No.-646 Year-2020 Thana- CHAPRA TOWN District- Saran

HARI SINGH @ ADITYA SINGH Son of Late Ram Ji Singh @ Jhunjhun Singh Resident of village - Rawal Tola, P.S. - Chapra Town, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 16-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 15.03.2023 seeks bail, in connection with Chapra Town P.S. Case No.646/2020, dated 08.12.2020, for the offences punishable under Sections 363, 366A of the IPC.
3. According to prosecution case, the petitioner is alleged to have abducted the daughter of the informant for the purpose of marriage.
4. Learned counsel for the petitioner submits that the petitioner 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 offence as alleged in the F.I.R. He further submits that in fact the petitioner was



in love with the victim and they have performed the marriage on 07.12.2020 and the statement of the victim under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed marriage with the petitioner and after that both the parties have filed the compromise petition before the learned trial court and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

6. 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 Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Saran at Chapra in connection with Chapra Town P.S. Case No.646/2020, subject to the following conditions:-

1. One of the bailors should be the informant, namely, Rekha Verma, W/o Late Manoj Kumar Verma, R/o village-Arya Nagar, Katahari Bagh, P.S.- Chapra, District-Chapra.



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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