

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45820 of 2022**

Arising Out of PS. Case No.-125 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

SUBODH KUMAR @ SUBODH KUMAR SINGH @ SUBODH SINGH
S/O LATE KRISHNA SINGH Resident of village- Bhimpura, P.S.-
Sahebganj, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 19-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 125 of 2022 registered for the offences
punishable under Sections 366(A), 365 and 34 of the IPC and
later on Section 376 of IPC and Section 4/12 of POCSO Act.

As per prosecution case, it is alleged that petitioner
and others forcibly took away the informant's natni from his
house.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.06.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that the real fact is that the victim is a major girl and at her own accord left her house on 28.03.2022 and went away Delhi with the petitioner where she married with the petitioner on 18.04.2022 and was living happily with the petitioner. He further submits that there is no any act of inducement attributed to the petitioner so far as statement of victim is concerned. He further submits that her step mother solemnized the marriage between petitioner and the victim and father has not objected the same.

The learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for bail of the petitioner by submitting that petitioner and others have kidnapped the victim who is minor.

Considering the facts and circumstances of the case, period of custody, no act of inducement attributed against the petitioner, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 J.M. 1st Class,
Muzaffarpur(West) in connection with Sahebganj P.S. Case No.
125 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on each and every date and if he fails to do so
without appropriate permission of trial court, his bail bond shall
be cancelled by the trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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