

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47146 of 2023

Arising Out of PS. Case No.-369 Year-2022 Thana- OBRA District- Aurangabad

CHHOTAN SINGH son of Sarifa Singh Village- Uchkundhi Ps- Daudnagar
Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sadhana Kumari wife of Pawan Kumar, D/o- Sunil Kumar R/o- Hasanpura
Ps- Obra Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Siddharth Harsh, learned counsel for the
petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Obra P.S. Case No. 369 of 2022 under Sections 366A/34 of
the Indian Penal Code.

The daughter of the informant was being enticed away
by the petitioner but due to road accident, they have been
admitted to the hospital and the victim girl has been recovered.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the ground that
the petitioner happens to be father of the co-accused Pawan
Kumar, who was having love affairs with the victim girl. He



further submits that the son of the petitioner and the victim girl have performed marriage on 08.02.2023 in the Surya Mandir and a certificate has also been issued by the Trust of the Temple duly signed by the informant and his family members, certificate to that effect is annexed as Annexure-2 to this application. He further submits that the petitioner has not played any role in the alleged occurrence and no case of abduction is made out against the petitioner. Moreover, the victim in her statement does not disclose any overt act committed by the petitioner and she has also refused for her medical examination.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material on record against the involvement of the petitioner in the present occurrence and he fairly submits that it has come during investigation that the victim has refused for her medical examination and she has not stated anything about the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned S.D.J.M., Aurangabad in connection with Obra P.S. Case No. 369 of 2022, subject to the conditions laid



down under Section 438(2) of the Cr.P.C. as also 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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