

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46907 of 2023**

Arising Out of PS. Case No.-127 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Piyush Kumar Son Of Ashok Ram @ Ashok Kumar R/O Village Ramgarh,
Ps- Ramgarh, Distt- Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate Mr. Kanhaiya Rao, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 04.05.2023 in connection with Ramgarh P.S. Case No. 127 of 2023, F.I.R. dated 01.05.2023 for the offences punishable under Sections 366(A), 506/34 of the Indian Penal Code but the police has submitted the charge sheet only under Section 366(A) of the Indian Penal Code.

3. According to prosecution case, this petitioner has kidnapped the daughter of the informant. It is further alleged that the brother of the petitioner threatened the informant to kill him if he does not go from his house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he 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 offences as alleged in the F.I.R. He further submits that the petitioner was in love with the victim and the victim in her sweet will has gone with the petitioner. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about sexual assault against the petitioner and she has also refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the victim was minor and her DOB is 12.06.2010 but fairly submits on the basis of case diary that she has refused for her medical examination.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class,



Mohania, Kaimur in connection with Ramgarh P.S. Case No. 127 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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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