

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50545 of 2023

Arising Out of PS. Case No.-370 Year-2022 Thana- MANIYARI District- Muzaffarpur

TUNTUN KUMAR Son of Surendra Rai Resident of village - Mollama, P.S. -
Kudhani, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 10.02.2023 seeks
bail, in connection with Maniyari P.S. Case No.370/2022, dated
09.11.2022, for the offences punishable under Sections 363,
366(A) of the IPC.

3. According to prosecution case, the petitioner is
alleged to have abducted the daughter of the informant while
she went for her natural call.

4. Learned counsel for the petitioner submits that the
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 offence as alleged in the F.I.R.



In fact the petitioner was in love with the victim and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner and at present she is residing at the house of the petitioner. Thereafter both the parties have filed compromise petition dated 18.05.2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class, West Muzaffarpur in connection with Maniyari P.S. Case No.370/2022, subject to the following conditions:-

1. One of the bailers should be the informant, namely, Vijay Rai S/o Sri Garib Nath Rai, R/o village Aganagar, P.S. Maniyari, District-Muzaffarpur.



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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