

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56211 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- TANKUPPA District- Gaya

RAJESH KUMAR SON OF KAMESHWAR YADAV RESIDENT OF
NAMAGARH (CHAINPUR), PS- TANKUPPA, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Neetu Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Tankuppa P.S. Case NO. 159 of 2022 registered under Sections 366(A)/34 of the Indian Penal Code lodged on 24.11.2022 by the informant, Shivnandan Yadav.

As per the prosecution story, the allegation is that on 22.11.2022, the minor daughter of the informant went missing and they failed to locate her. On the next day, he came to know about her abduction by accused, Ajay Kumar. Accordingly, the FIR.

Subsequently, the victim girl recovered, she made a statement before the Court in which she has stated that she was earlier taken by Ajay, Pramod, Kundan and Rajesh Kumar (this



petitioner). The further statement is that Ajay threatened her of dire consequences, committed rape, kept her for three days and thereafter, she was allowed to leave and she came to the Court.

It is the case of the petitioner whatever allegation is there, it is against Ajay Kumar, only to implicate him, passing by reference has been given that he was also present at the first instance.

Learned APP opposes the prayer for bail stating that no one has come in the statement of the victim girl.

Taking into account the fact that the main allegation has been made by the informant against the accused, Ajay Kumar, the victim girl also narrated her ordeal that Ajay committed rape for three days, do not have criminal antecedent and he is in custody since 09.04.2023 (as stated in paragraph-4 of the petition), this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, VI, Gaya in connection with Tankuppa P.S. Case No. 159 of 2022 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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