

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50013 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Munna Singh @ Sanjay Kumar, Son of Ramswaroop Singh, Resident of
Village - Dilpur , P.S.- G.B.Nagar, District.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Raghav Prasad, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with G. B. Nagar P.S. Case No. 252 of 2021
registered for the offences punishable under Sections 363,
366/34 of the Indian Penal Code, however, the charge-sheet has
been submitted under Sections 363, 366, 376 of the Indian Penal
Code.

The prosecution case is based on the written report of
the informant alleging therein that his daughter aged about 26



years is married to one Sri Ram Singh, however, on being deserted, she started living with the informant for the last one year. It is alleged that the petitioner, who is also residing in the neighborhood by hatching a conspiracy allured his daughter and kidnapped her in order to engage her in any illicit profession.

Learned counsel appearing on behalf of the petitioner drawing the attention of this Court to the FIR and submits that from the FIR it is evident that neither any date nor the place has been mentioned that from where and when the victim was kidnapped and taken away by the petitioner. He submits that in fact this is a case of love affair and the victim herself voluntarily left her home as she being deserted by her husband, wanted to solemnize marriage to this petitioner. During the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein, she stated that she left the house on the inducement made by the petitioner and spent three months with the petitioner and further alleged that the petitioner has established physical relationship forcibly. However, she next submits that she wanted to live with the petitioner in his house. He next submits that admittedly both the parties are major and there was a consensual relationship, however, when the petitioner refused to solemnize marriage, this FIR has been



instituted only with a view to pressurize the petitioner. He next submits that the petitioner, having fair antecedent, is in custody since 14.04.2022, and he is ready to give undertaking that he will fully co-operate in the trial.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from the statement of the victim, it appears that she was forcibly taken away by giving some intoxicant and thereafter, this petitioner has established physical relationship, without her consent.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim where she herself stated that she wanted to live with the petitioner in his house, apart from the fact that she spent three months time along with the petitioner and she had every opportunity, if she was forcefully kidnapped, to raise *halla* and approach any of the authority but that has not been done, apart from the fact that the petitioner is in custody since 14.04.2022 and the investigation is complete, in view thereof, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III,



Siwan in connection with G.B. Nagar P.S. Case No. 252 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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