

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49924 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

AJIT KUMAR S/O JAY RAM PASWAN R/O VILLAGE- SHUMBHA, PS.
ALAULI, DIST. KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in custody in connection with Town P.S. Case No. 590 of 2022 for the offence under sections 366/34 of the Indian Penal Code lodged on 20.09.2022 by the informant, Reena Devi.

As per the prosecution story, the informant alleged that she alongwith her daughter-in-law and grandson had gone to the clinic of Dr. Madhu Kumari for treatment. As she went to the washroom, later upon return, did not find her daughter-in-law as also grandson and has suspicion that this petitioner alongwith other accused persons kidnapped them. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that the lady on her own went to Haryana, subsequently the Police recovered her alongwith one Sachin and she made statement under Section 161 of the Cr.P.C. accepting that she alongwith



Sachin were picked up by Haryana police.

However, she claims that this petitioner also made physical relationship with her which according to learned counsel for the petitioner was falsified by medical report submitted on 06.12.2022, as the report did not find sexual assault and is in custody since 05.12.2022 (as stated in paragraph 4 of the petition).

Learned APP opposes the prayer for bail.

Though, there are allegations against the petitioner, considering the fact that the victim lady has given contrary statement under section 161 of the Cr.P.C. vis-a-vis 164 of the Cr.P.C., is in custody since 05.12.2022, do not have criminal antecedent and is a young boy of twenty-two years, is ready to abide by the terms and conditions, if released on bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai, in connection with Town P.S. Case No. 590 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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