

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52961 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

VIMLESH KUMAR S/o Radha Ram R/o village- Pathra (Khudra), P.S.-
Gahmar, District- Ghazipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 21-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 12.07.2022 in connection with Ramgarh (Nuaon) P.S. Case No. 245 of 2022, F.I.R. dated 11.07.2022 registered for the offence punishable under Sections 366(A)/34 of IPC.

3. The prosecution case, in short, is that on 08.07.2022, accused persons including the petitioner are alleged to have kidnapped the sister-in-law (the victim) aged about 17 years of the informant for the purpose of marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegation in the FIR, the petitioner and co-accused person took away the



sister-in-law of the informant and forcibly by tied her mouth for intention to get marriage of the sister-in-law of the informant. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner has not committed anything wrong with her and there is no allegation of sexual assault but the victim has stated that the petitioner has performed the marriage in the Temple but it has come during investigation that the petitioner was a married person. Learned counsel for the petitioner submits that when the petitioner was married before the present occurrence then why he has kidnapped the sister-in-law of the informant and why he has performed the marriage with the victim girl and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.07.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, Mohania, Kaimur (Bhabhua) in connection with Ramgarh (Nuaon) P.S. Case No. 245 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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