

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58223 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- MASAUDHI District- Patna

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GIRJESH KUMAR S/O ANAND YADAV @ NAND YADAV R/O
VILLAGE- PINJORA, PS. KAKO, DIST. JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Masaurhi P.S. Case No. 259 of 2023 (G.R. No. 518/23) registered for the offences under sections 363, 366(A), 506 and 34 of the Indian Penal Code lodged on 19.04.2023 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that the petitioner took his minor niece for the purpose of marriage. Accordingly, the FIR.

4. It is the case of the petitioner is that the girl is/was major, as per her Aadhar Card (12.11.2004 - Annexure3) and further after return, she made categorical statement under section 164 of the Cr.P.C. stating that the accused-petitioner did not make any physical relationship with her.



5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the informant has alleged that the girl was minor.

6. Taking into account the submissions put forward by the parties as also that as per the Aadhar Card, her date of birth is 12.11.2004 and as such, she was major, has not alleged any physical assault on the petitioner, he do not have any criminal antecedent and has remained in custody since 28.04.2023 (as stated in paragraph 13 of the bail application), this Court is inclined to extend him privilege of bail

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Masaurhi, Patna in connection with Masaurhi P.S. Case No. 259 of 2023 (G.R. No. 518 of 2023), 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 *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 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;

(iv) 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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