

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57190 of 2023

Arising Out of PS. Case No.-78 Year-2016 Thana- BAIKUNTHPUR District- Gopalganj

Neeraj Kumar Singh @ Neeraj Singh @ Niraj Singh Son Of Jay Narayan
Singh Resident Of Village-Marachhi Ps- Jamo Bazar Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhychal Singh, Sr. Advocate Mr. Janmejay Giridhar, Advocate
For the informant	:	Mr. Sushil Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State along with learned counsel for the informant.

2. Petitioner seeks bail who is in custody since 20.04.2023 in connection with Baikunthpur P.S. Case No. 78 of 2016, F.I.R. dated 05.07.2016 for the offences punishable under Sections 363, 366(A) of the IPC and later on Section 376/34 of the Indian Penal Code and Section 4/6 of POCSO Act has been added.

3. According to prosecution case, the elder sister of the informant had gone to school, but she did not return. Then, they started searching her, but could not trace out. Thereafter, one telephone call was received from mobile number as mentioned in the written report stating that she was well and



studying at Saraswati Vidhya Mandhir, Basantpur and she also disclosed that she is in regular connection on phone with Niraj Kumar Singh. The petitioner and his family members had earlier kidnapped the elder sister of the informant for which Baikunthpur P.S. Case No. 96 of 2013 was registered and the police have submitted charge-sheet in that case. It is also alleged that the informant has trust that the petitioner and his family members have again kidnapped his sister with a view to kill her. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Earlier the father of the informant has also lodged a case bearing Baikunthpur P.S. Case No. 96 of 2013, but the same is found to be false case. The statement of the victim recorded under Section 164 Cr.P.C., in which she has supported the case of the prosecution, but the sister of the informant, namely, Supriya Kumari has filed a petition before the Superintendent of Police, Gopalganj for verifying the genuineness of the 164 Cr.P.C. statement of the victim and it has come during investigation that in-fact the



victim was in love with Ravi Kumar and she has live with him in Banarash and no one suggests that the petitioner had abducted the victim and committed a crime in question. In paragraph no.259, 260 of the case diary the independent witness who is mother of the Ravi Kumar and Ravi Kumar himself also stated that the victim was with him. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.04.2023.

5. The learned counsel for the informant as well as Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the statement recorded under Section 164 Cr.P.C. she has supported the case of the prosecution, but fairly submits that it has come during investigation the case as in the FIR is false and fabricated.

6. Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 78 of 2016, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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