

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56234 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- NARHATT District- Nawada

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AJAY KUMAR @ JAY KUMAR S/O ARJUN CHAUHAN R/O VILLAGE-
DHANDHAULI, PS. NAWADA, DIST. NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Narhat (Sitamarhi) P.S. Case No. 146 of 2023 registered under Sections 366A of the Indian Penal Code lodged on 25.03.2023 by the informant, Dinesh Sharma.

As per the prosecution story, the allegation is that the victim girl, minor was missing since 15.03.2023 . On 24.03.2023 he got clue that the brother-in-law, B. Chauhan (the petitioner herein) has taken her away. Accordingly, the FIR on 25.03.2023.

It is the case of the petitioner that admittedly the girl disappeared on 15.03.2023 and 10 days later the FIR was lodged on 25.03.2023,. Subsequently, it has been narrated in paragraph



12 of the petition :-

“ that is also most humbly submitted that the alleged victim has been recovered and her statement has been recorded under Section 164 of the Cr.P.C. and in her statement she has clearly stated that nothing wrong has been committed to her by this petitioner rather she had gone with the petitioner as per her sweet will”.

Learned APP opposes the prayer for bail.

Taking into account the fact that a categorical statement has been made in paragraph-12 of the petition that the girl upon returned has stated under section 164 of the Cr.P.C. that nothing has been committed by this petitioner rather she had gone her on her own, he is in custody since 06.04.2023 (as stated in paragraph 16 of the petition) is a young boy of 25 years and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

However, if the statement made in paragraph-12 is incorrect, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada in connection with Narhat



(Sitamarhi) P.S. Case No. 146 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/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/her bail bond by the Trial court itself;

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

(Rajiv Roy, J)

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