

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57961 of 2022

Arising Out of PS. Case No.-276 Year-2019 Thana- SHAMBHUGANJ District- Banka

Gouri Shankar Kumar @ Badwa Son Of Upendra Paswan R/O Village-
Gidhaura, P.S.- Shambhuganj, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 366(A)/34 of the Indian Penal
Code.

Allegation against the petitioner is that he along with
other co-accused abducted the informant's daughter who is
minor aged about 17 years.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that as per
allegation in the F.I.R. that the petitioner abducted the daughter
of the informant. He further submits that in fact the petitioner
and the daughter of the informant was in love.



Learned counsel for the petitioner further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she was in love with the petitioner and they have performed the marriage in Delhi on 31.01.2020 and now she is living with the family members of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.07.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shambhuganj (Banka) P.S. Case No. 276 of 2019, with the following conditions :-

(1) One of the bailors should be the victim, namely, Nutan Kumari.

(2) 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.



(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) 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 antecedents, 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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