

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57047 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- BIRAUL District- Darbhanga

Sonu Chaupal S/o Akalu Chaupal R/V- Changbara, P.S.- Biraul, Distt-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 363, 366(A) and 34 of the Indian Penal Code but the cognizance has been taken under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

According to prosecution case, the accused persons including the petitioner kidnapped the daughter of the informant when she went out of her house to ease out.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner and the victim was in love and they have



solemnized the marriage. He 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 has voluntarily left her house and solemnized the marriage with the petitioner and she resided with the petitioner. The petitioner is in custody since 25.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Biraul P.S. Case No. 132 of 2021, subject to the following conditions:-

1. One of the bailor shall be the victim, namely, Ruhi 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 witnesses, 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 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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