

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63731 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- PIRPAINTI District- Bhagalpur

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KRISHNA KUMAR S/O HEERA LAL MANDAL Resident of village- Kali Prasad Feku Tola, P.S.- Pirpainty, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 341, 504, 506, 366A, 376 and 34 of the Indian Penal Code and Section 4 of the POSCO Act.

The daughter of the informant is said to have been enticed away by the petitioner and when the informant went to the house of the petitioner on search of his daughter, he has been threatened to be killed.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the petitioner and the victim was having love affairs between them and on account of that the victim herself



left her house and went with the petitioner. The victim in her statement recorded under Section 164 Cr.P.C. has not disclosed anything about misconduct or misdeed committed by the petitioner rather she has only stated that she has been allured by the petitioner to go out of her house. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.03.2022.

On the other hand, learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of occurrence and this fact has also been corroborated with the medical examination report of the victim. It has further been submitted that it has come during course of investigation that due to influence of the petitioner, the minor daughter of the informant has left her house.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, ***after framing of charge***, on furnishing bail bond of Rs. 10,000/- (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 Pirpainty P.S. Case No. 68 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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