

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65711 of 2022**

Arising Out of PS. Case No.-62 Year-2021 Thana- MAJORGANJ District- Sitamarhi

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RUPESH KUMAR Son of Jagarnath Paswan Resident of Village- Khairwa
Got, Ward No.-15, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 29.08.2022, in connection with Majorganj P.S. Case No. 62 of 2021, F.I.R. dated 06.04.2021 registered for the offences punishable under Sections 364, 365, 366 of the Indian Penal Code.

The prosecution case, in short, is that on 28.03.2021 accused persons including the petitioner are alleged to have kidnapped the minor daughter of the informant aged about 15 years for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated. In fact the petitioner was in love with the victim and the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the victim has performed the marriage with the petitioner and they are living in the house of the petitioner and from their wedlock two children were born. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2022.

The learned Additional Public Prosecutor for the State has vehemently 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 Additional Sessions Judge VI-cum-Special Judge (POCSO Act), Sitamarhi, in connection with Majorganj P.S. Case No. 62 of 2021, subject to the following conditions :-

(1) One of the bailors must be the victim (wife of the petitioner) namely, Sita Devi.

(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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