

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62301 of 2022

Arising Out of PS. Case No.-360 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

JAIKI KUMAR S/o Baliram Ram R/o Village- Rasulpur Karmahari, P.S.-
Mohania ward no. 2, Distt- Kaimur(Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Ram, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mohania
P.S. Case No. 360 of 2022 dated 05.07.2022 registered for the
offence under Sections 366(A) of the Indian Penal Code.

The daughter of the informant is alleged to have been
kidnapped by the petitioner.

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
the allegation as alleged in the F.I.R. is false and fabricated and
the petitioner has not committed any offence as narrated in the
F.I.R. He further submits that as a matter of fact, the petitioner
and the victim were having love affairs and on account of that,



the victim herself went out of her house with her sweet will and volition with the petitioner. He further submits that the victim has been recovered and she has stated in her statement recorded under Section 164 Cr.P.C. that she was having intimate relation with the petitioner since long i.e. four years and she performed marriage with the petitioner in temple. She has denied the allegation of her kidnapping committed by the petitioner. He further contends that taking note of statement of the victim, no case of abduction or kidnapping is made out against the petitioner. He further submits that the victim has performed second marriage with another person, a supplementary affidavit to that effect has already been filed on behalf of the petitioner. The petitioner is rotting in judicial custody since 14.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate, Kaimur, Bhabua in connection with Mohania P.S. Case No. 360 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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