

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71407 of 2023**

Arising Out of PS. Case No.-273 Year-2021 Thana- MEHSI District- East
Champaran

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AMARDEEP MALL SON OF BHOLA MALL RESIDENT OF VILLAGE- SUGIA
MAHULIYA 197, AMAR COLONY, KHATIMA, PS- KHATIMA DISTT- UDYAM
NAGAR @ UDHAM SINGH NAGAR, (UTTARAKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. V.M.K. Sinha, Sr. Adv. Mr.Manish Chandra Gandhi
For the Opposite Party/s	:	Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-12-2023 Heard Mr. V.M.K. Sinha, learned senior counsel for the
petitioner and Mr. Atul Chandra, learned A.P.P. for the State.

The petitioner seeks bail in connection with Tr. No. 537
of 2023 arising out of Mehsi P.S. Case No. 273 of 2021 registered
for the offence under Sections 406, 420, 328, 354, 376/34 and
511 of the Indian Penal Code but the charge sheet has been
submitted against the petitioner under Sections 406, 420, 354,
467, 468, 471, 504 and 506 of the Indian Penal Code and Sections
67, 67(A) of the I.T. Act, 2000.

According to the prosecution case, the family members
of the petitioner started pressurizing the informant to solemnize
marriage with the petitioner and when the informant opposed,
the petitioner viral her photographs on social media. It is further



alleged that the petitioner has also taken Rs. 2,15,000 from the informant.

Earlier the prayer for bail of this petitioner has been rejected vide order dated 29.04.2023 passed in Cr. Misc. No. 67495 of 2022.

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 police after investigation has submitted charge sheet and dropped Section 376 of the Indian Penal Code. The petitioner is rotting in judicial custody since 09.07.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and referring to paragraphs 21 and 112 of the case diary submits that the petitioner has produced false marriage certificates and other documents which suggest that the petitioner with ill intention has manufactured the documents as aforesaid only to harass the victim but he fairly submits the police after investigation dropped Section 376 of the Indian Penal Code against the petitioner.

A report with regard to present stage of the trial has been called for by this Court vide order dated 03.11.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that out of eight charge-sheet witnesses, only two witnesses have been examined as yet.



Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 09.07.2022 i.e more than one year.

Considering the facts and circumstances of the case and the present stage of the trial as well as period of custody, 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 Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Tr. No. 537 of 2023 arising out of Mehshi P.S. Case No. 273 of 2021 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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