

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66015 of 2022**

Arising Out of PS. Case No.-200 Year-2022 Thana- DURAULI District- Siwan

Mintu Kumar Ram @ Mitu Kumar Ram S/o Nand Kumar Ram R/v-
Krishnapali (Kishunpali), P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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

3 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
19.07.2022, in connection with Darauli P.S. Case No. 200 of
2022, F.I.R. dated 18.07.2022 registered for the offences
punishable under Sections 363, 366(A)/34 of the Indian Penal
Code.

The prosecution case, in short, is that on 15.07.2022
accused persons including the petitioner are alleged to have
kidnapped the daughter of the informant 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 petitioner performed the marriage with the victim. He further submits that victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she has performed the marriage with the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.07.2022.

The learned Additional Public Prosecutor for the State on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of the occurrence as well as at the time of the marriage and hence there is no marriage in the eye of law.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan, in connection with Darauli P.S. Case No. 200 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) 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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