

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72956 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- FATEHPUR District- Gaya

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DEEPAK KUMAR S/O KESHAV MISTRY @ KRISHNA MISTRY R/O
VILLAGE- KOSMA, P.S.- AKBARPUR, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in custody in connection with Fatehpur P.S. Case No. 320 of 2023 for the offence under section 366 (A) of the Indian Penal Code lodged on 06.05.2023 by the informant, Lalita Devi.

3. As per the prosecution story, the allegation is that the petitioner took away the informant's minor daughter and later, they disclosed that they have solemnized marriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it was a love between the petitioner and the victim girl and due to the misunderstanding, the FIR was lodged which they have realized and this has also been informed before the Court duly signed by the informant.



5. Learned APP opposes the prayer for bail stating that the girl was minor at the time of occurrence.

6. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also that the petitioner is a young person of twenty-four years of age, the facts that has come on record shows the case to be otherwise, he has already suffered by being in custody since 08.06.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-Xth, Gaya, in connection with Fatehpur P.S. Case No. 320 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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