

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68941 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- GOGRI District- Khagaria

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Rabish Kumar Son Of Nandani Singh R/O Village- Longa, P.S.- Paura Gogri,
District- Khagariya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nibash Singh, S/o late kamleshwari Singh, R/o Village- Launga Ward No.
12, P.S. Paura (Gogri O.P.) Dist- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul Kumar, Advocate
For the Informant	:	Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 17-07-2023 Heard Mr. Ansul Kumar, learned counsel for the

petitioner, Mr. Samrendra Kumar Jha, learned counsel appearing
on behalf of the Informant and Mr. Damodar Prasad Tiwary,
learned APP for the State.

Petitioner seeks bail, who is in custody since
03.09.2022, in connection with Gogri (Poura) P.S. Case No. 227 of
2022, F.I.R. dated 02.09.2022 registered for the offences
punishable under Section 366A of the Indian Penal Code.

The prosecution case, in short, is that on 02.09.2022 at
about 02:00 O'clock (night) the accused petitioner is alleged to
have kidnapped the minor daughter of the informant.

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 and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the petitioner was in love with the victim and as per date of birth of the victim, the victim was major at the time of occurrence i.e. on 02.09.2022 and the date of birth of the petitioner as mentioned in his matriculation certificate is 26.05.2004. He further submits that the petitioner and the victim has performed the marriage on 01.09.2022 (Annexure-2) but fairly submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has kidnapped her but she has not stated anything about the sexual assault against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.09.2022.

The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State have 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



Chief Judicial Magistrate, Khagaria, in connection with Gogri (Poura) P.S. Case No. 227 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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