

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73492 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- BUNIYAD GANJ District- Gaya

DHARMENDRA KUMAR SON OF LALU PRASAD @ LALLU PRASAD
RESIDENT OF VILLAGE- MANPUR, ISHWAR CHAND LANE, P.S.
BUNIYADGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-11-2023 Heard the parties.

2. The petitioner is in custody in connection with Buniyadganj P.S. Case No. 169 of 2023 for the offence under sections 366(A), 504, 34 of the Indian Penal Code lodged on 12.05.2023 by the informant, Gunja Devi.

3. As per the prosecution story, the petitioner is the cousin brother-in-law of the victim girl and the allegation is that he took her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it has been incorporated in paragraph 12 of the petition that the victim girl upon return, recorded her statement under section 164 of the Cr.P.C in which she stated that no wrong has been committed by the petitioner. Further, in paragraph 10, it has



been incorporated that the doctor in his deposition has made statement that the victim girl is/was 18-19 years of age as per the medical report.

5. The last submission is that he is in custody since 16.05.2023 (as stated in paragraph 15 of the petition), do not have criminal antecedent and will be diligently appearing in trial, if released on bail and failure to do so, the trial court shall be free to cancel his bail bond.

6. Learned APP opposes the prayer for bail.

7. Taking into account the aforesaid facts as also that the petitioner is in custody since 16.05.2023, do not have criminal antecedent and will be diligently appearing in trial as undertaken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Special Judge POCSO Court-cum-Addl. District and Sessions Judge-VI, Gaya, in connection with Buniyadgang P.S. Case No. 169 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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.

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

(Rajiv Roy, J)

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