

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70793 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- HIRAMMA P.S. District- Sheohar

MANJU DEVI Wife of Rajmangal Sah Village - Bangrahi, P.S.- Hiramma,
District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363, 366(A)/34 of the Indian Penal Code.

The minor daughter of the informant is said to have
been abducted by the co-accused, Pradip Sah in connivance of the
petitioner and others.

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 it
appears from the F.I.R. itself that the petitioner along with others
have kidnapped the minor daughter of the informant but as a
matter of fact the victim girl and son of the petitioner was having
love affairs and on that count both of them fled away from the



village and performed marriage. He further submits that the date of occurrence is said to be of 27.04.2022 and the present F.I.R. has been instituted on 03.05.2022 after delay of 7 days without any explanation. He further submits that the victim has been recovered and her statement has been recorded under Section 164 Cr.P.C. in which she has categorically stated that she was having love affairs with the son of the petitioner. She has not whispered anything about the petitioner with respect to her involvement in the alleged occurrence. He further submits that in view of the statement of the victim, no case under Sections 363 and 366(A)/34 of the Indian Penal Code. The petitioner is rotting in judicial custody since 23.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 1st Additional Sessions Judge -cum- Special Judge, Sheohar in connection with Hiramma P.S. Case No. 45 of 2022 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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