

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74593 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- RAJPUR District- Buxar

Daroga Ram @ Arjun Ram Son of Sant Bilash Ram R/v- Rajapur P.S.- Rojpur
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Anand Kumar Ojha, learned counsel
appearing on behalf of the petitioner and Mr. Ram Sumiran Rai,
learned APP for the State through video conferencing.

2. The petitioner, who is in custody since 17.09.2022
seeks regular bail in connection with Rajpur P.S. Case No. 263
of 2022, for the offence punishable under Section 363, 366(A),
504, 506 read with Section 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant
Ashok Ram has alleged that on 05.09.2022, accused persons
named in the F.I.R including the petitioner, have forcibly
entered into the house of the informant and kidnapped his
daughter.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is a married man and is
living separately from his other brothers and he is in no manner



concerned with the alleged kidnapping of the daughter of the informant. The victim girl herself returned back from Delhi and thereafter, her statement under Section 164 Cr.P.C was also recorded. He further submitted that the statement of the victim recorded under Section 164 Cr.P.C, after much delay, cannot be considered as a valid evidence and there is every chance that the victim was tutored by her parents and charge-sheet has already been submitted on these grounds, the petitioner seeks regular bail.

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

6. Having heard the rival submissions of the parties, materials available on record as well as the allegation made against the petitioner in the F.I.R, it appears that petitioner is a married man living separately and in this regard petitioner has made a specific statement in paragraph no. 10 of the bail application that he resides separately from his other brothers. The victim has returned back on her own, however, she has made allegation against the petitioner in her statement recorded under Section 164 Cr.P.C that petitioner was also one of the co-accused.

7. Considering the fact that petitioner is a married



man and no such complaint has been made by his wife, prima facie it appears to this Court that petitioner has made out a case to be released on bail. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Buxar in connection with Rajpur P.S. Case No. 263 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has



**been stated in paragraph No.3 of the bail application, this
order will automatically loose its force.**

(Purnendu Singh, J)

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