

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25783 of 2024

Arising Out of PS. Case No.-737 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Rajesh Saw @ Rajesh Kumar Son of Dhaneshar Saw @ Dhaneshwar Saw
Resident of Village- Raghapur, Naya Tola, Padari, P.S.- Bakhtiyarpur, Dist.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Ashok Kumar Kashyap, learned counsel
for the petitioner and Mr. Narsingh Tanti, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
10.10.2023, in connection with Lakhisarai (Kabaiya) P.S. Case
No. 737 of 2023, F.I.R. dated 22.09.2023 registered for the
offences punishable under Sections 363 and 366(A) of the
Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused person abducted the daughter of the
informant for the purpose of marriage.

4. 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 the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not supported the case of the prosecution and stated that she had gone out of the house and no one has abducted her. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as statement of the victim, 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 Additional District & Sessions Judge-VI-cum-Special Judge, POCSO Act, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 737 of 2023, 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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