

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33874 of 2024

Arising Out of PS. Case No.-130 Year-2022 Thana- ALAMNAGAR District- Madhepura

Jyoti Ram @ Jyotish Ram @ Jyotish kumar Son of Kapil Deo Ram Resident
of Village- Nathua Ward No- 09, P.S- Alam Nagar, Dist- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mayank Singh, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-10-2024 Heard Mr. Mayank Singh, the learned counsel for
the petitioner and Mr. Bhanu Pratap, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
11.10.2022, in connection with Alam Nagar P.S. Case No. 130
of 2022, FIR dated 20.05.2022, registered for the offences
punishable under Sections 363 and 366 read with Section 34 of
the Indian Penal Code.

3. According to the prosecution case, the petitioner
along with other co-accused persons abducted the daughter of
informant for solemnizing her marriage with the petitioner and
when the informant went to the house of co-accused persons and
inquired about her daughter, they refused to return her daughter
and threatened that they will proceed with their plan.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, in fact, the petitioner was in love with the victim. He further submits that statements of victim were recorded under Section 161 and 164 of the Cr.P.C., and in her statement recorded under Section 161 of the Cr.P.C., she has not supported the case of the prosecution while her statement recorded under Section 164 of the Cr.P.C. suggests otherwise, i.e., both the statements contradict each other.

5. Vide order dated 23.08.2024, a report was called for with regard to the stage of the trial and report dated 04.09.2024 of the learned trial Court reveals that out of eight chargesheeted witnesses, prosecution has not examined any witness at yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 11.10.2022.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner.

8. Considering the aforesaid facts and circumstances, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned JFMC-I, Udakishanganj, Madhepura, in connection with **Alam Nagar P.S. Case No. 130 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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