

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48748 of 2024

Arising Out of PS. Case No.-24 Year-2021 Thana- KHUDWA District- Aurangabad

Rajesh Kumar Tiwary @ Rajesh Tiwary S/o Sri Niwas Tiwary R/o Village-
Sanborsa,P.s.- Amba, District-Aurangabad

... .. Petitioner/s

Versus

1.The State of Bihar
2. Atul Sharma Son of Late Satya Narayan Singh, R/o Village-Dihuri, P.S.-
Khudwan, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Prasad Singh, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard Mr. Kamlendra Prasad Singh, learned
counsel for the petitioner, learned counsel for the informant
and Mr. Kanhiya Kishor, learned APP for the State.

2. The petitioner seeks bail, who is in custody
since 22.05.2022 in connection with Khudwan P.S. Case
No. 24 of 2021, F.I.R. dated 19.04.2021 registered for the
offence punishable under Sections 366(A)/34 of IPC.

3. Earlier the prayer for bail of the petitioner is
rejected vide order dated 28.03.2023 passed in Cr. Misc.
No. 42753 of 2022.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present



case. In fact the petitioner and the victim was in love and they have performed the marriage on 14.03.2022 and the marriage certificate was issued by the competent authority which was filed by the petitioner by way of supplementary affidavit which suggests that the petitioner has performed the marriage with the victim on 14.03.2022. He further submits that it appears from the order sheet of the learned Trial Court that the victim is living with the family members of the petitioner and thereafter the informant has filed a compromise petition before the learned Court below and apart from that, he has also filed an affidavit which suggests that the petitioner has performed the marriage with the victim and the petitioner is in custody since 22.05.2022.

5. Learned counsel for the informant has supported the contention of the petitioner and submits that the petitioner has performed the marriage with the victim. Learned APP for the State submits that apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail



petition.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad, Bihar in connection with Khudwan P.S. Case No. 24 of 2021, with the following conditions:-

(I) 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 cancelled by the Court below.

(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 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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