

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45509 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- TETERHAT District- Lakhisarai

Vikas Kumar Son of Raj Kumar Paswan Resident of Village- Sawan Khairma,
P.S.- Tetarhat, District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Munish Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Tetarhat P.S. Case No. 105 of 2023 for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code Act lodged on 09.08.2023 by the informant, Bisheswhar Tanti.

3. As per the prosecution story, the informant alleged that the petitioner abducted the minor daughter for the purpose of marriage and when the informant went to the place of accused, the family members of the accused abused and misbehaved with him. Accordingly, the FIR.

4. Learned for the petitioner submits that subsequently the victim girl recovered and she made statement under section 164 of the Cr.P.C. which is part of the case diary called for by a



coordinate bench. As per it, the girl was pregnant, called the petitioner whereafter, they went Jammu & Kashmir where she gave a birth to a dead child. According to her, the family having come to know about her pregnancy, she was assaulted which forced her to leave the place. As the lady police went to Jammu & Kashmir, she came back.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid statement of the victim girl under section 164 of the Cr. P.C. as also the fact that he do not have criminal antecedent and has remained in custody since 28.01.2024 (para-4 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-POCSO Court, Lakhisarai/Successor Court, Lakhisarai, in connection with Tetarhat P.S. Case No. 105 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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