

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50818 of 2024

Arising Out of PS. Case No.-280 Year-2015 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Dharmendra Kumar Thakur @ Dharmendra Kumar @ Dhamendra Kumar
Thakur, S/o Ramnaumi Thakur, R/O Village- Kartahan Jagdishpur, Police
Station- Kartahan, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Sadar P.S. Case No. 280 of
2015 registered for the offence punishable under Sections 363,
342, 376, 509 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is of enticing
away the victim and forcefully solemnization of marriage and
commission of rape.

4. Learned Advocate appearing on behalf of the
petitioner contended that earlier the petitioner has approached
before this Court for grant of anticipatory bail. However, the



same was turned down by this Court vide order dated 24.01.2024 in Criminal Misc. No. 84753 of 2023 with a direction to the petitioner to surrender before the Court below. Pursuant thereto, the petitioner surrendered before the Court below and now he has been incarcerated since 20.02.2024. It is further contended that the narratives made in the FIR clearly suggest that both the parties were close relatives and the father of the victim girl and the petitioner both were present at the examination centre from where it was alleged that this petitioner had taken away the victim girl and put her in a rented house of one Om Prakash Thakur @ Master Saheb for few days and put the vermilion in her head and committed the wrongful act. The victim girl was major and in fact, the marriage was solemnized with the consent of the parties, but later on the victim girl retracted from her promise and on the pressure of the family members, the FIR has been instituted. The occurrence as alleged in the FIR took place on 19.04.2015, but surprisingly the FIR has been instituted on 03.06.2015. Be that as it may, the good sense prevailed in the families of both the parties and they do not want to pursue the matter any further.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application



and submits that the victim girl has supported the prosecution case and her statement was recorded under Section 164 of the Code of Criminal Procedure wherein she has made specific allegation that she was subjected to sexual exploitation at the hands of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the relationship between the parties, coupled with the fact that the petitioner having no criminal antecedent and he surrendered pursuant to the direction of this Court and now remained in custody for over a period of 8 months, the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 280 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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