

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48477 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- GOVINDGANJ District- East Champaran

Nand Kishore Ram @ Nand Kishore Kumar Ram Son of Shankar Ram
Resident of Village - Suzayatpur, P.S.- Govindganj, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Hasan Miyan Son of Habib Miyan Resident of Village - Suzayatpur,
P.S.- Govindganj, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 29-10-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the O.P. No.2.

Perused the case diary.

2. The petitioner seeks bail in connection with
Govindganj P.S. Case No. 78 of 2022 instituted for the offences
under Sections 363, 365, 366, 366(A), 34, 323, 341, 504, 506 of
the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the allegation has been
against the accused persons including the present petitioner that
they have collectively lured and hidden the Informant's daughter
somewhere with bad intentions or have kidnapped her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to malice intention and grudge as well as due to dirty village politics. In the statement of the victim girl made under Section 164 Cr.P.C., she has stated that she had left her home and had gone to the place where the petitioner was living because there was love affairs between them. She has not made an allegation of sexual harassment against the petitioner and, as such, no case of kidnapping or sexual assault is made out against the petitioner. He further submits that the petitioner has solemnized marriage with the victim and from their wedlock, one child was also born. There is also two days delay in lodging the F.I.R. without there being any plausible explanation for such delay which also creates doubt in the prosecution case. The victim is also living in the house of the petitioner as wife. The petitioner has no criminal antecedent and is languishing in judicial custody since 07.06.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the statement of the victim girl made



under Section 164 Cr.P.C. where she has not made any allegation of kidnapping or rape against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Govindganj P.S. Case No. 78 of 2022, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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