

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56324 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- DERNI BAZAR District- Saran

Md. Asad @ Md. Azad @ Chhotu @ Chotu Son of Salamuddin, R/O Vill.-
Rasulpur Khirikiya, P.S.- Derni, Dist.- Saran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anandi Mahto Son of Sitaram Mahto, R/O Vill.- Sutihar Nantola, Ward no.
08, P.S.- Derni, Dist.- Saran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Ravi Prakash, the learned counsel for

the petitioner, the learned counsel for the informant and Mr.

Bharat Lal, the learned Additional Public Prosecutor for the

State.

2. Petitioner seeks regular bail who is in custody since

06.05.2024, in connection with Derni P.S. Case No. 67 of 2024,

FIR dated 07.04.2024, registered for the offences punishable

under Sections 363 and 366(A) of the Indian Penal Code.

3. According to the prosecution case, the petitioner

eloped with the minor daughter of the informant.

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 girl and the victim girl in her statement recorded under Section 164 of the Cr.P.C., has not supported the case of the prosecution. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 06.05.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and the victim in her statement recorded under Section 164 of the Cr.P.C. has not supported the case of the prosecution, 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 Judicial Magistrate 1st Class, Saran at Chapra, in connection with **Derni P.S. Case No. 67 of 2024**, 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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