

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71676 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- GRIYAK District- Nalanda

Pankaj Kumar Son Of Mahendra Yadav Residents Of Village -PAKWAPAR,
Police Station -Giriyak District -Nalanda

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv.
For the Informant	:	Ms. Alka Verma, Adv.
For the State	:	Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-01-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the Informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Giriyak P.S. Case No. 245 of 2023 registered for the offences
punishable under Sections 363 and 366A of the Indian Penal
Code.

3. As per prosecution case, the petitioner is said to
have induced the informant's minor daughter and took her away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
submitted that the petitioner has not committed any act of
inducement to leave parental house of victim rather the victim



has left her parental house on her own volition which is supported by the statement of victim recorded under Section 164 of Cr.P.C. In this way, the petitioner has not committed any offence as alleged against him in the FIR. Petitioner is in custody since 26.07.2023 and bears criminal antecedent of one case which is lodged after the present case by the same party and except this, petitioner bears no criminal antecedent. Charge-sheet has already been submitted and there is no chance of likelihood of tampering the prosecution offences.

5. The learned counsel for the informant and learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that victim is minor and she has been taken away by the petitioner and the petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody and the statement of victim recorded under Section 164 of Cr.P.C which clearly indicates that the petitioner has not committed any act of inducement to leave her parental house rather victim has left her parental house with her own volition, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also



taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Vith Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Giriyak P.S. Case No. 245 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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