

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82236 of 2024

Arising Out of PS. Case No.-690 Year-2023 Thana- BUXAR District- Buxar

Deepak Kumar @ Deepak Kumar Pandey @ Deepak Pandey son of Ravindra
Randeey village- Jamuaon, Ps- Itarhi, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Buxar Town P.S. Case No. 690 of 2023 for the offence punishable under Section 366 of the Indian Penal Code lodged on 22.12.2023. by the informant, Munna Prasad.

3. As per the prosecution story, the informant alleged that his wife went to the hospital but failed to return and as another rickshaw driver (this petitioner) used to molest her earlier, the F.I.R. Subsequently, the victim along with petitioner were brought to Patna from Varanasi and she made statement under Section 164 of Cr.P.C. supporting the case of the informant which led to his arrest.

4. Learned counsel for the petitioner submits that both are major, married though the petitioner is a widower, went

on their own and no sexual exploitation has been recorded in the statement of victim under Section 164 of Cr.P.C., further if granted bail, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that petitioner took away the married lady and kept in Varanasi for four months.

6. Taking into account the submissions put for the parties as also the fact that both being major, were in Varanasi for four long months, there is nothing on record to show that the victim ever made complaint there, the petitioner is in custody since 08.07.2024 having no criminal antecedent, 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) each with two sureties of like amount each to the satisfaction of learned C.J.M., Buxar, in connection with Buxar Town P.S. Case No. 690 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.

8. Nothing recorded in the present bail petition shall be taken up at the time of trial as the same has been recorded only for the purposes of granting bail.

(Rajiv Roy, J.)

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