

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71548 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- BALIYA District- Begusarai

Ram Chandra Pandit S/O Late Laddu Lal Pandit R/O Village- Panhas, P.S-
Lohiya Nagar, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-02-2025 Heard Mr. Ranjeet Kumar Thakur, learned Counsel
for the petitioner and the State.

2. The petitioner is an accused in connection with S.T. No. 620 of 2024 arising out of Ballia P.S. Case No. 17 of 2023 registered for the offences under sections 363, 365, 366A, 372 and 34 of the Indian Penal Code later on sections 373 and 376 of the Indian Penal Code was added and section 6/9 of the Immoral Traffic Prevention Act lodged on 22.01.2023 by the informant, Anjali Kumari,

3. As per the prosecution story the informant alleged that upon information that a girl is being forcibly taken at Laxminia Railway Station, reached the place and found a minor girl being surrounded by two males and a female. The girl disclosed her name and address and narrated her ordeal that she



has been picked up by these persons. All the three persons were arrested, petitioner being one of them. There is recovery of a mobile from the co-accused. This led to the FIR.

4. Learned counsel for the petitioner submits that though he has remained in custody since 23.01.2023, no TIP has been conducted to ascertain whether the wrong committed on the girl was the other person or the petitioner. Further, earlier his bail application was rejected on 30.08.2023 in Cr. Misc. No. 35770 of 2023, the trial has not progressed.

5. Considering the aforesaid facts, a report was called for which is now on record. According to the said report dated 17.10.2024, the case is pending for framing of charge.

6. Learned counsel for the petitioner submits that if granted relief, he shall appear diligently before the trial court and upon failure to do so, the prosecution shall be free to take steps for cancellation of his bail bond. The last submission is that another co-accused, Ajay Kumar has been extended relief by a Co-ordinate Bench in Cr. Misc. No. 33755 of 2023 on 24.06.2023.

7. Learned APP opposes the prayer submitting that all the accused persons have been charged of taking a minor girl for the purpose of selling her.



8. Having gone through the facts of the case and the details on record, though allegation is there and the petitioner was arrested on the spot after the girl complained to the locals at the railway station, the Court cannot overlook that he is in custody since 23.01.2023, has completed two years in jail and the trial has not even commenced, he has got no criminal antecedent, an undertaking has been given that he will be appearing diligently in the trial, in that background, this Court is inclined to extend him the privilege of bail.

9. However, if it is found that contrary to statement made in para-3 that the petitioner has got no criminal antecedent, if the petitioner has got criminal antecedent, the order shall become infructuous.

10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 1st, Begusarai, in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 appear before the concerned police station every month for next six months to mark his attendance;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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