

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79704 of 2024

Arising Out of PS. Case No.-580 Year-2018 Thana- SARAIYA District- Muzaffarpur

Chandan kumar S/O Umesh Ray R/O Vill.- Manikpur, P.S- Saraiya, Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar Singh, Adv

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 25-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 364, 366(A) and 34
of the I.P.C.

3. As per the prosecution case, on 20.10.2018 at about
7:00 P.M., the minor daughter of the informant aged about 14
years was enticed and taken away by the petitioner along with
the named co-accused persons.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It has further been submitted that the statement of the
victim girl was recorded under Section 164 of Cr. P.C., wherein
she has clearly stated that she had gone out on her own sweet
will with the petitioner and had stayed together for almost four
years in *Maharashtra*. It is next submitted that the petitioner



solemnized marriage with the victim girl and a child was born out of the said wedlock and in the year 2022, she had come to her matrimonial home from where the girl was taken away by the informant and other family members and subsequently statement under Section 164 Cr. P.C. was recorded. Learned counsel further submits that the statement of the victim under Section 164 of the Cr. P.C. was taken on the pressure of the parents otherwise the victim was living happily with the petitioner and it is highly improbable that for the last five years she could not manage to flee from the clutches of the petitioner if she had been forced to live with the petitioner. It is also submitted that there is a delay of 44 days in lodging the F.I.R. without giving any plausible reason. It is lastly submitted that the petitioner has clean antecedent and is in custody since 08.06.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Muzaffarpur, in connection with Saraiya P.S. Case No. 580 of 2018, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) The petitioner shall not approach the informant and family members of the victim girl to either coerce or threaten during the pendency of the trial.

(v) The learned Court below 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 court below shall take steps for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

7. The application stands allowed.

8. However, it is made clear that the observations, if any, made in this order shall be of no bearing during the trial.

(Sourendra Pandey, J)

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