



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25323 of 2015**

Arising Out of PS.Case No. -48 Year- 2015 Thana -ATHMALGOLA District- PATNA

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1. Maklu Das son of Late Ganaur Das resident of village - Rahimapur,  
Police Station - Athmalgola and District - Patna.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**  
**ORAL ORDER**

3      07-10-2015                      Heard the learned counsel for the petitioner as well as  
  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 363, 366 (A) and 34 of the I.P.C

Allegedly, Sanjana Kumari aged 16 years, the  
daughter of the informant, became traceless from her house and it  
was told by the villagers that Nitish Kumar son of the petitioner  
has taken away her after calling her and further it transpired that  
the petitioner, his wife and Nitish Kumar took away her on tempo  
towards Bakhtiyarpur.

Submission is that the victim and Nitish Kumar have



married. This petitioner has got no role. He has been implicated falsely only with a view to give colour to the case. On 29.09.2015 a petition has been filed on behalf of the victim Sanjana Kumari in the court below to record her statement under section 164 Cr.P.C which is evident from the certified copy of order sheet of the learned S.D.J.M, Barh. The petitioner is suffering in custody since 15.04.2015, charge sheet has already been submitted against him and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that from the order sheet dated 29.09.2015 of the learned court below it appears that the victim has filed petition to record her statement under section 164 Cr.P.C.

In the facts and circumstances as stated above, considering detention of the petitioner and further against him charge sheet has already been submitted and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Barh, Patna in Athmalgola P.S. Case No. 48 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and

every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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