

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48012 of 2015

Arising Out of PS.Case No. -315 Year- 2014 Thana -GHOSI District- JEHANABAD

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Viveka Nand Kumar @ Vivekanand Kumar s/o Shailendra Singh, resident
of village- Dharpura, P.S.-Ghoshi, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.

For the Opposite Party/s : Mr. Smt. Gulnar Begum(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioner Mr. Harsh Singh
and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Ghoshi P.S. Case No. 315 of 2014 registered for offences
punishable under Sections 354,366A/34 of the Indian Penal Code.

The prosecution case in short is that on 20.11.2014 at about
04.30 P.M, the daughter of the informant Rima Kumari (victim)
went to meet her sister in the hospital of Dr. Ramanand Prasad
from her house where the operation of her sister was conducted.
Neither the daughter of informant reached hospital nor she
returned back to her house. On not returning back of informants'
daughter, the family members searched everywhere and contacted
their relatives but they were unable to find the victim girl. The
informant suspects that his daughter was kidnapped on the way to

hospital by Vivekanand, Sujit and Bhutali Kumar, all resident of village Daharpur who used to tease his daughter on the way to her coaching.

It has been submitted on behalf of the petitioner that the petitioner has clean antecedent which finds place at Para 3 of the petition. It has further been submitted that the petitioner has been unnecessarily dragged in the present case on the ground of suspicion which has further been nullified by the informant himself by way of his affidavit before the Court below on 07.08.2015 wherein it has been specifically asserted by informant that on the basis of suspicion, such allegation against the petitioner and two others has been made. It has further been submitted that the petitioner was not in the village on the date of occurrence i.e. on 20.11.2014 as he had gone to Ahmedabad to his sister's place on 11.11.2014 and returned back on 24.11.2014 the Railway ticket finds place at Annexure 2 of the petition. Lastly the petitioner submits that although the date of occurrence is alleged to be 20.11.2014 but the FIR has been lodged on 04.12.2014 i.e. after 13 days which itself raises suspicion on the complicity of the petitioner in the alleged occurrence.

Be that as it may, let the petitioner, namely, Viveka Nand Kumar @ Vivekanand Kumar in the event of his arrest / surrender

within a period of six weeks from today before the Court below,
be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten
thousand) with two sureties of the like amount each to the
satisfaction of the learned Chief Judicial Magistrate, Jehanabad in
connection with Ghoshi P.S. Case No. 315 of 2014 subject to the
conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

Prakash/-

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