

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15873 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

=====

Nitesh Kumar, Son of Sri Narayan Sharma @ Shivnarayan Sharma,
Resident of Village - Banchupar, P.S.- Bettiah Mufassil (Banuchhapar)
District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 05.02.2016

in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No.

30/16 for offences alleged under Sections 365, 366-A/34 of the

Indian Penal Code.

The prosecution case, as lodged by the informant,

is that on 06.01.2016 he came to know that his daughter along

with daughter of his sarhu got missing from the house. Informant

claimed that either Rajak Ram and his agnates had enticed away

the girls for purpose of marriage or his brother and others had

kidnapped the girls.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and although the victim girl was missing since 05.01.2016 but F.I.R. has been lodged on 10.01.2016 and no plausible explanation has been given for the inordinate delay. He submits that the victim girl Kiran Kumari under her statement under Section 164 Cr.P.C. has named the petitioner but neither he accompanied the victim girl nor committed any overt act, as such, Sections 365, 366-A is not applicable against the petitioner. He further submits that the allegations against the petitioner by the victim girl is also vague and the same has also been taken one month after the alleged date of occurrence, although the victim girls had on their own come within a few days. It has further been submitted that the charge-sheet has been submitted against him and as such there is no chance of tampering with the evidence and since he is meter reader in the Electricity Board there is no chance of absconding or fleeing away.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report but during course of investigation name of petitioner has surfaced and the witnesses have also supported the prosecution case, hence, opposes the prayer for bail.

Be that as it may, since no overt act has been alleged to have committed by the petitioner as stated by the victim girl in her statement under Section 164 Cr.P.C., let petitioner, above named, 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 learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 30/16.

Rajesh/-

(Nilu Agrawal, J.)

U		T	
---	--	---	--