

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49386 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -INDUSTRIAL District- BHAGALPUR

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1. Nawal Kumar @ Nowal Kumar Poddar Son of Dinesh Kumar Poddar @
Dinesh Sah Resident of Mohalla - Maya Ganj, Mistri Lane, P.S. Barari,
District Bhagalpur.... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 02-02-2016

Heard learned counsel for the petitioner and learned

counsel representing the State.

Petitioner seeks bail in connection with Industrial Area
P.S. Case No. 36 of 2015 registered for the offences punishable
under Sections 341, 323, 366A, 504/34 of the Indian Penal Code
and Sections 3(i) (x) of SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioner kidnapped Laxmi Kumari the
minor daughter of the informant. During investigation the victim
girl was released and her statement has been recorded under
Section 164 Cr.P.C. wherein she has supported the allegation of
kidnapping but has not stated that she was sexually assaulted by
the petitioner or by any one.

Submission is of false implication and that there is vital
contradiction in the statement of the victim girl from the
fardbeyan, the victim girl has been medically examined by the

doctor also but no sign of sexual intercourse was found, there is no eye witness of the occurrence, no independent witness has supported the prosecution version and the petitioner who is suffering in custody since 29.04.2015 deserves sympathetic consideration to which learned APP opposes by submitting that the victim has supported the allegation of kidnapping.

In the facts and circumstances stated above, considering that the victim girl has not stated regarding any sexual assault committed against her by the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Industrial Area P.S. Case No. 36 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)

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