

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47865 of 2016

Arising Out of PS.Case No. -239 Year- 2014 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Amit Kumar Son of Narendra Kumar Resident of Village- Bhelwa,
Police Station- Madhuban, District East Champaran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Smt. Pronati Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 28-11-2016 Heard the counsel for the petitioner and the APP for
the State.

The petitioner is a named accused in Madhuban P.S.
Case No. 239 of 2014, registered under Sections 363 and
366(A) of the Indian Penal Code.

It is alleged that the daughter of the informant being
15-16 years old was kidnapped by the petitioner. The victim
girl was produced for statement under Section 164 Cr. P.C. on
13.10.2014 wherein she named three persons along with F.I.R.
named accused person, who assisted / cooperated in her
kidnapping and further alleged that all including the petitioner
committed rape on her.



Contention of the petitioner is that co-accused namely Sumit Kumar was put on trial vide S.Tr. No. 296 of 2016 and acquitted as the victim did not support the accusation. Co-accused Rinku Kumar @ Sanjay Kumar and Suman Kumar @ Suman Kumar Jha, who are similarly named by the victim in her statement have been granted anticipatory bail on 10.08.2016. The medical assessment of the age of the victim shows that she is above 19 years.

The APP for the State on the other hand submits that the petitioner has submitted to the jurisdiction of the Court rather belatedly. The petitioner seems to be in custody since 11.08.2016. It has been pointed out on perusal of the case diary that charge-sheet has already been submitted on 02.09.2016.

Considering the facts and circumstances of the case this Court while declining the prayer disposes of the application by the following order:-

Let the Trial Court take steps to examine all prosecution witnesses within five months from the date of receipt of the order failing which the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to its satisfaction subject to the followings conditions:-



- (i) One of the bailors shall be own/close family members of the petitioner.
- (ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the court below. In case of default in doing so on two consecutives occasions without any cogent / satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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