

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.485 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Kishan Kewat son of Bechu Kewat resident of village - Narainpur, Police
Station - Bagaha, District - West Champaran.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate
For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.09.2016 in connection with Bagaha (Pathkhauli) P.S. Case No.
193 of 2016 registered for the offences punishable under Sections
366(A) and 376 of the Indian Penal Code.

The prosecution case is that petitioner and other
accused persons had kidnapped the daughter of the informant
while she had gone for natural call. At Panihawa railway station,
daughter of the informant was identified by some persons and
taken her back to home. It is further alleged that on 19.04.2016
and 24.04.2016, accused persons again tried to kidnap the



daughter of the informant.

It has been submitted by the counsel for the petitioner that he is innocent and for the alleged occurrence dated 16.04.2016, complaint was lodged on 25.04.2016, although the victim girl had returned to her house the very next day. He submits that even the statement of the victim girl under Section 164 of the Cr.P.C. was taken after two months. He submits that the allegation against the petitioner and four other accused persons is that they had taken away informant's daughter, but the victim girl in her statement under Section 164 of the Cr.P.C. has stated that while the petitioner and other co-accused were taking away her, her father saw them and the petitioner and other co-accused ran away. No overt act has been alleged by the victim girl in the said statement.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail

Considering the facts and circumstances and that the petitioner has got no criminal history, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each



to the satisfaction of the learned Additional Chief Judicial
Magistrate, Bagaha, West Champaran in connection with Bagaha
(Pathkhauli) P.S. Case No. 193 of 2016.

(Nilu Agrawal, J.)

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