

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2395 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -HALSI District- LAKHISARAI

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Umesh Kumar @ Umesh Kushwaha @ Umesh Kumar Kushwaha, Son of
Sri Ram Chandra Kushwaha, C/o Sri Hira Sah, near oxford School,
Sureshpuram, Police Station- Jamui in the district of Jamui.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 13-02-2017 Heard.

The petitioner apprehends his arrest in connection with
Halsi P.S. Case No.82 of 2016 registered under Sections 366/34 of
the Indian Penal Code.

The allegation of the informant Subhadra Devi is that her
daughter Ranjana Kumari, aged about 22 years, has got degree in
Medical Lab Technology and, earlier, she had lodged Jamui P.S.
Case No.141 of 2014 under Section 376, 493 and 496 of the
Indian Penal Code against Umesh Kumar Kushwaha (petitioner)
but in the said case, police submitted final form. Thereafter, a
protest petition filed by her daughter was treated as Complaint
Petition, numbered as Complaint Petition No.753C of 2014, in



which the evidence of her daughter was recorded. On 23.01.2016, the daughter of the informant had gone to Lakhisarai Market from village but she did not return while search was made to trace out her. Umesh Kumar Kushwaha (petitioner) always used to talk to her daughter through mobile, as such, the informant raised suspicion against the petitioner of having his hand in the kidnapping of her daughter.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner, who is doctor, used to run Nursing Home, where the daughter of the informant used to do the work of Nurse but she was removed from there. Thereafter, only to put undue pressure, the daughter of the informant lodged Jamui P.S. Case No.141 of 2014 with the allegation of committing rape on her by this petitioner, in which the police submitted final form, as such, due to ulterior motive, the present case has been lodged by the informant. Further submission is that while the present occurrence is said to be of 23.01.2016 but the informant has submitted her written report on 20.06.2016 before the Officer Incharge (Ramgarh Chowk), i.e., after six months of the alleged occurrence, on which basis, the present case has been lodged.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or



surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri R. Das, Judicial Magistrate, First Class, Lakhisarai, in connection with Halsi P.S. Case No.82 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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