

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55485 of 2017

Arising Out of PS.Case No. -422 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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1. Avinash Kumar Jha @ Avinash Kumar son of Sri Devendra Jha resident of Village - Nazirpur, P.S. - Ahiyapur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ahiapur P.S. Case No. 422 of 2017 instituted for the offence under Sections-363, 366(A) and 506/34 of the Indian Penal Code.

It is alleged in the written report that the petitioner kidnapped minor daughter of the informant. The learned Sessions Judge has mentioned in the impugned order that the victim girl on recovery has made statement u/S 164 Cr.P.c. wherein she has stated that she came out from the house, then this petitioner and other accused who were standing there put something on her nose due to which, she became unconscious and when she regained consciousness, she found herself in a lane. She further disclosed that on 6-6-2017 all the accused took her and they were standing by the side of a temple at Balughat, her family members arrived and on their arrival, the accused persons fled away.

As such, from the detail mentioned about the statement of victim girl recorded u/S 164 Cr.P.C. in the impugned order of learned Sessions Judge, it appears that no allegation of specific overt act has been levelled



against the petitioner in the statement of victim girl recorded u/S 164 Cr.P.C.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Ahiapur P.S. Case No. 422 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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