

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.27248 of 2017**

Arising Out of PS.Case No. -77 Year- 2016 Thana -ROUH District- NAWADA

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1. Amit Kumar Son of Dwarika Bhagat, Resident of Village- Samraitha,  
P.S.- Roh, District- Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN  
SINGH**

**ORAL ORDER**

2      01-07-2017                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Roh P.S. Case No. 77 of 2016, disclosing offences under  
Sections 341, 323, 363, 366(A) and 498 of the I.P.C.

From the First Information Report, it appears that the  
petitioner and the victim were seen talking to each other on the  
alleged date of occurrence. Since, the victim was not found, the



First Information Report was lodged on 11.11.2016. The victim appears to have returned thereafter and her statement has been recorded under Section 164 of the Code of Criminal Procedure. The victim, in her statement, has alleged that the petitioner and some other persons had kidnapped her in a Bolero vehicle and the petitioner had kept her in Chennai for two months and thereafter in Vardaman.

Learned counsel appearing on behalf of the petitioner has submitted that the contradiction in the allegation made in the First Information Report and statement, made by the victim under Section 164 of the Code of Criminal Procedure, is apparent. On the other hand, the petitioner was seeing talking with the victim on the alleged date of occurrence, as per the First Information Report. The victim alleged in her statement, recorded under Section 164 of the Code of Criminal Procedure, that she was forcibly kidnapped. Thus, the case of the prosecution becomes doubtful, learned counsel contends.

Considering the facts and circumstances of the case, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Nawada, in connection with Roh P.S. Case No. 77 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present his before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

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