

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14535 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -MADHWAPUR District- MADHUBANI

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1. Sushil Kumar Kushwaha, son of Late Vishnudeo Mahto, resident of Village- Parsa Pipraun, P.S.- Harlakhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-05-2017 Heard the parties.

The petitioner seeks regular bail in connection with Madhwapur P.S.Case No.47 of 2016 registered for offences punishable under Sections 366(A)/34 of the Indian Penal Code.

Allegation against the petitioner is of abducting the daughter of the informant.

It is submitted on behalf of the petitioner that no case is made out under Section 366A and Section 376 of the Indian Penal Code, which will appear from the statement of the victim girl itself, that is just simple in nature under Section 164 Cr.P.C. that the petitioner has only taken her and there is no allegation of committing rape or anything wrong with the victim girl. It is also submitted that the girl is major, which will appear from the provisional certificate of Bihar School of Examination Board, annexed as Annexure-2 of this petition. The petitioner is in



custody for about nine months.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that the petitioner has not committed rape or anything wrong with the victim girl and he is in custody for about nine months, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge, Madhubani in connection with Sessions Trial No.403 of 2016 arising out of Madhwapur P.S.Case No.47 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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