

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5320 of 2018

Arising Out of PS.Case No. -307 Year- 2017 Thana -FATUAH District- PATNA

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1. Subham Kumar @ Sugani S/o Ashok Ram @ Ashok Chandravanshi , R/o
Village- Fatuah, Mohalla- Sora Kothi, P.S.- Fatuah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 07-02-2018

Heard both sides.

The petitioner apprehends his arrest in Fatuah P.S.
case No. 307 of 2017 for the offences punishable under Section
366A of the Indian Penal Code.

The mother of the victim alleged that Rahul Kumar
kidnapped her daughter. Kajal Kumar took her daughter from her
house on the pretext of visiting Baikathpur temple. The informant
further alleged that Shubham Kumar @ Sugani, the petitioner,
Mantu Kumar also helped Rahul Kumar in kidnapping her
daughter.

The learned counsel for the petitioner submits that
informant is not an eye witness of the occurrence. The daughter of
informant made her statement under Section 164 of the Cr. P. C.



and she disclosed that she herself left her house on 30.07.2017 and went along with Rahul Kumar @ Badal. She went to Himachal Pradesh along with Rahul Kumar and stayed there for five days. She further disclosed that nobody kidnapped her.

Considering the facts aforesaid and the fact that victim herself denied the factum of her kidnapping and she disclosed that she voluntarily left her house, the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Sarita Rani, learned Judicial Magistrate, Patna City in connection with Fatuah P.S. case No. 307 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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