

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26517 of 2018

Arising Out of PS.Case No. -72 Year- 2010 Thana -FATEHPUR District- GAYA

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Vinay Kumar @ Binay Kumar, son of late Bhagirath Singh, resident of
village- Morhe, Police Station- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Fatehpur P.S.**

Case No. 72 of 2010, instituted for the offence under Sections 363 and
366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
victim girl has given statement under Section 164 Cr. P.C. on
24.05.2010. She has not levelled any allegation of specific overt act
against this petitioner of either committing illegal act with her or
putting force for her kidnapping. It has further been submitted that from
the statement of victim girl recorded under Section 164 Cr. P.C. it
would appear that she had moved with this petitioner along with other
accused persons with her own consent. The statement of victim girl has
been enclosed as Annexure-2 from which it appears that victim girl had
stayed for about 12-13 days with this petitioner and other accused



persons. She had moved to different places as mentioned in her statement. The victim girl has nowhere made allegation against the petitioner that any force was applied by him on her or any illegal act was committed by the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Fatehpur P.S. Case No. 72 of 2010**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate- Xth, Gaya**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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