

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61805 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana –BEN District- NALANDA (BIHARSHARIFF)

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1. Rajesh Kumar @ Rajesh Lal, son of Late Gurucharan Lal, resident of-
Sabalpur, P.O.- Sabalpur, P.S.- Didarganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ben P.S. Case No. 83 of
2017 instituted for the offence under Sections-366(A)/34 of the Indian
Penal Code.

It has been submitted that the petitioner is not named in the
FIR. The informant has alleged that his minor daughter has been
kidnapped by Manish Lal and other accused persons. Counsel for the
petitioner has submitted that name of this petitioner has not been taken
in her statement before police recorded u/S 161 Cr.P.C. Counsel for the
petitioner has submitted that the name of this petitioner has been taken
by the victim girl for the first time in her statement recorded u/S 164
Cr.P.C. It has further been submitted that occurrence is alleged to have
taken place on 15-06-2017 and the FIR has been lodged on 28-07-2017.

From perusal of statement of victim girl recorded u/S 164



Cr.P.C. it appears that she has levelled general allegation against this petitioner that he also played role along with Manish Lal, who took her at the point of pistol.

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 Ben P.S. Case No. 83 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-III, Nalanda at Bihar Sharif 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 liable to 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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