

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51461 of 2018

Arising Out of PS.Case No. -389 Year- 2018 Thana -KHAZANIHAT District- PURNIA

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1. Mithilesh Kumar @ Manish Kumar @ Mithlesh Kumar @ Mithlesh, Son of Durganand Yadav, resident of Village- Gunmanti, Police Station- Baunsi (Basaithi), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-09-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with K.Hat P.S.Case No.389 of 2018 , registered for offences punishable under Sections 366A, 120B of the Indian Penal Code.

Allegation against the petitioner and the other accused persons is of kidnapping the minor daughter of the informant.

Submission of the learned counsel for the petitioner is that the statement of the girl has been recorded under Section 164 Cr.P.C. and she has stated that she had gone on her own sweet-will and she has not supported the prosecution case. Moreover, the Medical Board has found her aged in between 17-18 years, which will appear from Annexure-3 of the petition.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released 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 the learned CJM, Purnea in connection with K.Hat P.S.Case No.389 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

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 investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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