

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59481 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -HASANGANJ District- KATIHAR

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1. Rahul Bhagat, Son of Sanjay Bhagat, Resident of Village- Kajri, Police Station- Hasanganj, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned APP for the State.

This is the second attempt of the petitioner. Earlier his prayer for bail was rejected on 21.05.2018.

This is a case registered under Sections 363/366A/34 of the Indian Penal Code.

It is submitted by learned senior counsel for the petitioner that there is a stark contradiction between the allegation made in the FIR and the statement of the victim recorded under Section 164 Cr.P.C. The manner in which the kidnapping has occurred is contradicted by the evidence. He further submits that from the statement of the victim recorded under Section 164 Cr.P.C., it is obvious that beyond confinement there is no allegation against the petitioner regarding any misbehaviour or any attempt to outrage



the modesty of the victim. The petitioner has no criminal antecedent prior to the instant proceeding and it is submitted that Pranpur P.S. Case No. 166 of 2017 is arising out of the same occurrence. Petitioner is in custody since December, 2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Hasanganj Police Station Case No. 90 of 2017 being G.R. No. 4798 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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