

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42840 of 2018

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Aditya @ Anand Vishal, Son of Ram Vilas Choudhary, Resident of
Housing Board Colony (Behind L.I.C. Bhawan), P.S.- Barari, Bhagalpur,
District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Manendra Kumar Sinha, Advocate
For the S t a t e : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 18-08-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 24.01.2018 in
connection with Kotwali (Barari) P.S. Case No.493 of 2017
registered for the offence under Sections 366 and 497 of the
Indian Penal Code.

Learned counsel for the petitioner submits that
altogether malicious and frivolous prosecution has been
launched against the petitioner and he has nothing to do with
the alleged act of kidnapping, as has been made out in the F.I.R.
Learned counsel for the petitioner further submits that the
victim girl in her statement made under Section 164 Cr.P.C. has
categorically denied that she was kidnapped and she has also



denied that under the order of the court she has separated from her husband. Thus, the entire story of kidnapping by the petitioner stands disproved.

Diary in the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that there is nothing on the record to show that the petitioner had kidnapped the lady and that the petitioner and the girl are living together.

A certified copy of the statement of the victim girl has been produced in Court today, which has been issued from the office of the District & Sessions Judge, Bhagalpur. A perusal of the same clearly establishes that the victim was not kidnapped and thus the entire case of the husband as against the present petitioner stands falsified.

Let the certified copy of the statement be kept on the record.

Having considered the entire facts and circumstances of the case and the materials which have come in the case diary, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No.493 of 2017, subject to the following conditions:

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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