

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23849 of 2018

Arising Out of PS.Case No. -354 Year- 2017 Thana -MARHAURA District- SARAN

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ANAND KUMAR @ BAHARAN Son of Baldeo Mahto resident of
Village - Bardahiya Piparpati, P.S. Marhowrah, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Morhowrah P.S.Case No.354 of 2017 registered for an offence under Sections 363, 366(A), 341, 323, 504 and 120(B)/34 of the IPC.

The allegation as per written report is that this petitioner kidnapped the minor daughter of the informant in conspiracy with his family members and other co-accused.

It has been submitted that the petitioner is a student having clean antecedent. He has been implicated in this case by the parents of the victim on account of property dispute. It has further been submitted that there is delay of five days in lodging the FIR. Besides that the victim herself appeared before police on



30.08.2017 and on following day her statement under Section 164 Cr.P.C. was recorded. She has not stated anything against the petitioner in her statement before learned Magistrate and so no offence as alleged is made out.

The learned APP opposed the submissions.

On perusal of FIR, it appears that the occurrence took place on 19.08.2017 whereas the FIR was lodged on 24.08.2017. From the impugned order, it appears that the petitioner is physically challenged person and he appeared limping in Court. It further appears that the victim in her statement in course of investigation has alleged about committing rape by the petitioner but in her statement given before Magistrate she has not stated as such. The petitioner is in custody since 03.01.2018 having clean antecedent.

Considering the aforesaid facts and circumstances, the prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Saran in connection with Marhowrah P.S.Case No.354 of 2017 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 cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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