

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23809 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- ATRI District- Gaya

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LALU PRASAD Son of Bachu Yadav Resident of Village - Katalpura, P.S.-
Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Harendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366-A of
the Indian Penal Code.

Petitioner is said to have kidnapped the minor
daughter of the informant on motorcycle while she had stepped
out of the house for defecation.

Learned counsel for the petitioner submitted that no
such occurrence as alleged ever took place. The petitioner is
quite innocent and has been falsely implicated in this case.
There is inordinate delay of four days in lodging the F.I.R. As a
matter of fact, the victim was in love with some other person



and she herself eloped with her beau. Petitioner has no criminal antecedent.

Per contra, learned APP for the State opposed the bail petition submitting that the informant happens to be eye witness of the occurrence and he has candidly divulged about the kidnapping of his daughter by the petitioner on motorcycle. The CDR of mobile of the petitioner and the victim indicates that the petitioner had interacted with the victim on her mobile 32 times on the date of occurrence and the victim is still traceless.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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