

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29985 of 2019**

Arising Out of PS. Case No.-453 Year-2018 Thana- MUFFASIL District- West Champaran

NITESH GUPTA @ NITISH PRASAD GUPTA @ NITISH KUMAR  
GUPTA @ NITISH GUPTA, son of Chandrika Sah, Resident of Village -  
Ahwar Sheikh Fullurwa, P.S.- Majhauriya, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                          |
|--------------------------|---|--------------------------|
| For the Petitioner/s     | : | Mr. Bimlesh Kumar Pandey |
| For the Opposite Party/s | : | Mr. Awadhesh Kumar Singh |
| For the Informant        | : | Mr. Prashant Kumar       |

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4/ 05-08-2019 Heard learned counsel for the petitioner and learned  
APP for the State as well as counsel for the informant.

Petitioner seeks bail in **Bettiah Muffasil P.S. Case**  
**No.453 of 2018** instituted for the offence under Section(s) 366-  
A Indian Penal Code.

Counsel for the petitioner submits that Petitioner is in  
custody since 12.03.2019 having clean antecedents. There is no  
allegation of specific overt act against the petitioner.

In the written report, the informant has alleged that his  
daughter had gone to school for taking certificate. Co-accused,  
Sunil Kumar Gupta, who was her tutor, has kidnapped her for  
the purpose of marriage.

Counsel for the petitioner submits that victim has



given statement under Section 164 Cr.P.C., wherein, she has stated that Santosh Kumar Gupta had kidnapped her. She has taken name of this petitioner also. Thereafter, this petitioner has been made accused.

From the statement recorded under Section 164 Cr.P.C., it appears that Sunil Kumar Gupta had called her out from school and gave her chocolate to eat. Thereafter, she became unconscious.

As such, no specific allegation has been levelled against the petitioner.

Counsel for informant has opposed prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Chief Judicial Magistrate, West Champaran**, in connection with **Bettiah Muffasil P.S. Case No.453 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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