

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53296 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- MAHARAJGANJ District- Siwan

SHAILESH RAM @ SHAILESH KUMAR RAM Son of Mandhari Ram
Resident of Village - Sikandarpur, P.S.- Maharajganj, District - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Maharajganj Police Station Case No. 96 of 2019, disclosing offences under Sections 366-A/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report lodged by Mamta Devi, is that her minor daughter, Shilpi Kumari, was abducted by the petitioner while she was going to attend the school.

Learned Counsel for the petitioner submits that the petitioner is innocent, having no criminal antecedent. He further submits that the alleged abduction had taken place on 23.08.2019, but the present First Information Report has been



lodged after a delay of four days on 01.04.2019. He further submits that the victim girl was recovered and in her statement, recorded under Section 164 of the Code of Criminal Procedure, 1973, she has disclosed that she was not sexually assaulted by the petitioner or others. He further submits that upon perusal of the First Information Report and the statement of the victim girl, under Section 164 of the Code of Criminal Procedure, 1973, at best, an offence under Section 363 of the Indian Penal Code is made out.

After having heard learned Counsel for the parties and taking into consideration the fact that the victim girl was not sexually assaulted, as stated in her own statement recorded under Section 164 of the Code of Criminal Procedure, 1973, and further both the parties reside in the same village and there is delay in lodging of the First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Shailesh Ram @ Shailesh Kumar Ram, in the event of his arrest or surrender before the Court below within four weeks, 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 learned 5th Additional Chief



Judicial Magistrate, Siwan, in connection with Maharajganj Police Station Case No. 96 of 2019, subject to the conditions (i) as laid down under Section 438 (2) of the Code of Criminal Procedure and (ii) one of the bailors must be a close relative of the petitioner, (iii) the petitioner shall not indulge in any similar nature of offence.

This is subject to the further condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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