

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55592 of 2019**

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

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RAKESH SAH @ RAKESH KUMAR @ ROMIT KUMAR S/o Shankar Sah
Resident of Village- Ahwar Shekh, P.S.- Majhauria, District- West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party: Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 02.07.2019 in connection with Bettiah (M) P.S. Case No. 453 of 2018 for the offences alleged under Sections 366A of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated in connection with kidnapping of the informant's minor daughter. It is submitted that the accusation of kidnapping is general and omnibus but in any event specific accusation is against the F.I.R. named accused Sunil Kumar Gupta who is said to have called the victim and given her chocolate, after eating which she became unconscious. No specific overt act has been alleged against the petitioner in the statement of the victim recorded under Section 164 Cr. P.C. Similarly situated co-accused Nitesh Gupta @ Nitish Prasad Gupta has been granted bail by this Court in Cr. Misc. No. 29985 of 2019. The petitioner claims clean antecedents.



4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah (M) P.S. Case No. 453 of 2018, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate 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.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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