

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61559 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BAHADURGANJ District- Kishanganj

Akshay Kumar, aged about 21 years, Male, Son of Ulen Lal @ Raju, Resident of Village- Janki Bihtta, P.S.- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bahadurganj P.S. Case No. 46 of 2019 registered for the offence under Section 366(A)/34 of the Indian Penal Code.

Prosecution case in brief is that informant Manoj Kumar Das, son of Late Munni Lal Das, resident of Jankibhitta, P.S.- Bahadurganj, District- Kishanganj given application on 15.02.2019, his minor daughter Milan Kumari aged about 14 years went to coaching but she has not returned about 06:00 P.M. then all the family persons searched. During the searching, they got information that his neighbour Akshay Kumar, son of Ulen Lal @ Raju, resident of Jankibhitta, P.S.- Bahdurganj, District- Kishanganj and Salan, son of Islam Haque, resident of



Hadikhurda, P.S.- Powakhali, District- Kishanganj kidnapped her daughter for purpose of marriage. On the basis of above application, S.H.O. Bahadurganj has lodged FIR bearing No. Bahadurganj P.S. Case No.46 of 2019 under Section 366(A)/34 IPC against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. Petitioner and informant are family members and some dispute between them so this case has been filed only to give undue pressure. Victim Milan Kumari is cousin sister of the petitioner Akshay Kumar. From the statement recorded under Section 164 Cr.P.C., the victim girl will be found that there is no ingredient of Section 366(A) IPC so this Section is not applicable against the petitioner. He further submits that petitioner has no any criminal antecedent and the petitioner is in jail custody since 17.07.2019. Learned counsel for the petitioner further submits that the charge sheet has been submitted against the petitioner and there is no allegation against the petitioner to tamper with the evidence.

In the facts and circumstances of the case, 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 Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 46 of 2019, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Anjani Kumar Sharan, J)

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