

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65933 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- NARHATT District- Nawada

NITISH KUMAR Son of Rajo Mahto Resident of Village - Singhauli, P.S. -
Hisua, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363 and 366(A) of the Indian Penal
Code, registered in connection with Narhat P.S.Case No. 44 of
2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with the alleged kidnapping of the
informant's minor sister. It is submitted that the so-called victim
girl in her deposition under Section 164 Cr.P.C. has
categorically stated in paragraph 2 that she had voluntarily left
home and went to Kolkata, Sheikhpura, Hisua and again to
Kolkata to stay with her cousin and also to attend her friend's
marriage. Thereafter, she returned to her village. Her further



statement in paragraph 4 of the said deposition is contradictory and in any event she has not identified the petitioner. There is delay in lodging the FIR on 16.02.2019 for the alleged occurrence of 14.02.2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner 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 Additional Chief Judicial Magistrate,-VI, Nawada in connection with Narhat P.S.Case No. 44 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further 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 co-operate 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) 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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