

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79572 of 2018

Arising Out of PS. Case No.-208 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Shrawan Pandey son of Janardan Pandey, resident of Village - Sahopara,
Police Station Buxar Industrial, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav

For the Opposite Party/s : Mr.Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 11-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Buxar(Industrial) P.S. Case No. 208 of 2018 registered for the offence punishable under Section 366(A)/34 of the Indian Penal Code.

Allegation against petitioner and other co-accused is of kidnapping the daughter of informant with intent to marry her.

It has been submitted on behalf of learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case due to village politics. The concocted FIR has been lodged against the petitioner only with a view to destroy the future of petitioner. In the FIR it is alleged by



informant that petitioner was present and he informed that her daughter has fled away with Hemant Pandey. Nothing was alleged against petitioner in FIR except that he used to tease her daughter. There is contradiction in statement of victim made u/s 161, 164 of Cr.P.C. and statement made in FIR by informant, mother of victim. No injury has been found by Medical Board either on external or private part of victim or any sign of rape was found. No spermatozoa was found. Victim was not recovered from possession of petitioner. Police has also submitted charge sheet u/s 366A of I.P.C. Petitioner is in custody since 16.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Industrial) P.S. Case No. 208 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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