

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15507 of 2020

Arising Out of PS. Case No.-66 Year-2017 Thana- HATHAURI District- Muzaffarpur

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DHARMENDRA KUMAR, aged about 27 years, Male, Son of Ram Ashare Mandal, Resident of Village- Nayatola Baligadh, P.S.- Runissaidpur, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sachin Kumar, Advocate.
For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 363 and 366/34 of the I.P.C.

The prosecution story, in brief, is that on 05.04.2017, co-accused Arti Kumari, called the daughter of the informant, namely, Rupam Kumari and took her in her house but she did not return till six hours in the evening. On enquiry made by the



informant, co-accused Arti Kumari said the informant that she had gone from the house since one hour before. When the father of the victim said that she did not return her house then Kamal Mahto, father of Arti Kumari, and her mother started abusing to him. Subsequently, the informant came to know that Dharmendra Kumar (petitioner), relative of co-accused Arti Kumari, has kidnapped his daughter with some ulterior motive.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The date of occurrence is said to be 05.04.2017 as to when the case was instituted on 17.05.2017. Delay has not been explained by the prosecution. The name of the petitioner has transpired in the present case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Other co-accused persons have been granted anticipatory bail vide Cr. Misc. No. 40762 of 2017 under order dated 21.09.2017 by another Co-ordinate Bench of this Court, annexed as Annexure-3 to the present application.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned J.M. Ist Class, Muzaffarpur, in connection with Hathauri P.S. Case No. 66 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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