

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14297 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- BATHNAHA District- Sitamarhi

Rajesh Kumar, aged about 20 years, Male, S/o Chulhai Das, resident of
Village - Ghogharaha, P.S.- Sahiyara, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Uday Kumar, learned counsel for the petitioner and Ram Sevak Choudhary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Bathnaha (Bathanaha) P.S. Case No.02 of 2020 dated 04.01.2020 instituted under Sections 366-A, 504/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he had enticed and kidnapped the daughter of the informant.

5. Learned counsel for the petitioner submitted that the FIR is totally false and concocted. It was submitted that in the FIR itself it has been stated that the daughter of the informant was seen on a tempo with the petitioner and nothing



beyond that. It was submitted that only a suspicion has been raised that the petitioner had enticed the girl. Learned counsel submitted that though the incident is said to have occurred on 23.12.2019, but the FIR has been lodged only on 04.01.2020, which clearly indicates that the same is *malafide*. Learned counsel submitted that the victim has returned to her parents' place upon being aware of the lodging of the case and on 09.01.2020 has also recorded her statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that on her desire and request, the petitioner had taken her to the place of her maternal aunt (*Mausi*). It was submitted that the girl has stated that due to inadvertence she could not inform her parents resulting in lodging of this false and she has further stated that she was not kidnapped. Learned counsel submitted that the petitioner being innocent without having any criminal antecedent is in custody since 10.01.2020.

6. Learned APP submitted that as per the allegation, the girl being minor was enticed by the petitioner. However, he could not controvert the fact that the girl in her statement to the Court has clearly indicated that there was no kidnapping, much less by the petitioner.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in Bathnaha (Bathanaha) P.S. Case No.02 of 2020, subject to the condition that one of the bailors shall be a close relative of the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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