

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15704 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- MATIHANI District- Begusarai

Prince Kumar (M), aged about 22 years, Son of Shambhu Singh, Resident of Village-Tatari, P.S.-Dandari, District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-06-2020

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

2. Heard Mr. Rai Mukesh Sharma, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Matihani PS Case No. 53 of 2019 dated 13.04.2019 instituted under Sections 363/366A/120B of the Indian Penal Code.

4. The petitioner along with five others is accused of kidnapping the daughter of the informant.

5. Learned counsel for the petitioner submitted that the allegation is false as earlier also the informant had levelled



the same allegation that his daughter had been kidnapped with the intention of marriage or for other ulterior purposes, in which the petitioner was also an accused along with five other persons and was in custody from 24.06.2018 to 28.08.2018. Learned counsel submitted that in the said case the victim girl, after her return, had recorded her statement under Section 164 of the Code of Criminal Procedure, 1973 in which she has stated that due to pressure of marriage from the family she had run away and that the accused were innocent. It was submitted that in the present case, though the date of occurrence is said to be 25.07.2018, but the FIR was lodged on 13.04.2019, i.e., after more than eight months without there being any explanation. Learned counsel submitted that even in the present case, other four persons, and not the petitioner, are said to have abducted the girl and it is only said that at the behest of the petitioner and another co-accused the kidnapping was done. Learned counsel submitted that the petitioner, on 25.07.2018, was in judicial custody and, thus, the allegation itself becomes false. Learned counsel submitted that co-accused Md. Ladala, who is accused of being party to the actual kidnapping, has been enlarged on bail by order dated 02.06.2020 in Cr. Misc. No. 17547 of 2020. Learned counsel submitted that the petitioner is accused in one



other case besides the present case and except for the said two cases, he has no other criminal antecedent. Learned counsel further submitted that the petitioner is innocent and is in custody since 15.01.2020. Learned counsel submitted that the case of the petitioner stands on a better footing than Md. Ladala (*supra*), as in the FIR itself it is stated that the petitioner was not among the four persons who had actually abducted the daughter of the informant.

6. Learned APP submitted that the petitioner is said to be party to the crime, as upon his instructions the girl has been kidnapped. However, he could not controvert the fact that Md. Ladala who has been granted bail is alleged to be one of the four persons who had actually kidnapped the girl whereas against the petitioner it is only alleged that on his and another person's dictate the kidnapping was made.

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 bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Begusarai in Matihani PS Case No. 53 of 2019, subject to the conditions (i) that one of the bailors shall be



a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

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

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

