

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18009 of 2020

Arising Out of PS. Case No.-202 Year-2017 Thana- BIHTA District- Patna

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BHOLA KUMAR @ VIKASH KUMAR S/o Dev Kumar Rai Resident of
Village- Musepur, P.S.- Bihta, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sangha Mitra Ghosh

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 09-09-2020

Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code.

Informant is the father of victim girl who has alleged in the FIR that on 27.03.2017 at 12 Noon his daughter Sapna Kumar aged about 17 years had gone to the market and thereafter she did not return. He searched his daughter but her whereabouts could not be known, however, subsequently he came to know that Bhola Kumar (petitioner) and Dev Kumar and his 3-4 friends have kidnapped his daughter. The victim girl was recovered and her statement under Section 164 of the Cr.P.C was recorded by the court below on 04.04.2017 who has supported the FIR version and has also alleged of committing



rape on her by the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The incident is alleged to be of 27.03.2017 but FIR was instituted on 29.03.2017. The girl was medically examined on 02.04.2017 and her age was assessed between 18 to 19 years. No external or internal injury was found on person of victim. Spermatozoa was not found.

From para 19 of the case diary it appears that victim girl was recovered by the police on 01.04.2017 when petitioner and victim were standing on the road and gossiping.

Petitioner has got no criminal antecedent and is in custody since 17.12.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bihta P.S. Case No. 202 of 2017**, with following conditions:-

(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 shall remain physically present as directed by the Court and his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the court below.

(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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