

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27622 of 2020

Arising Out of PS. Case No.-309 Year-2019 Thana- HISUWA District- Nawada

Manish Kumar Son of Sri Sanjay Kumar Resident of Village Kaithir, P.S.
Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 20-10-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner seeks bail in Hisua P.S. Case No. 309
of 2019, registered for the offence under Section 366(A) of the
Indian Penal Code.

As per the written statement by one Sunita Devi, on
30-07-2019 at 7:00 PM, she had given Rs. 30,000/- (thirty
thousand) to her daughter to put the same in the box and
thereafter, she went to the roof of the house and when she came
in her room after about 30 minutes, neither she found her
daughter in the room nor Rs. 30,000/- in the box. The informant
has suspected that this petitioner and one co-accused, as named
in the FIR, have kidnapped her daughter and stolen the aforesaid
money.



It is submitted on behalf of petitioner that petitioner and informant are co-villager and due to village politics, the petitioner has been falsely implicated in this case. The petitioner was neither arrested by the police nor he was found with the victim girl. It is further submitted that in the statement recorded under Section 164 Cr.P.C., the victim has stated that firstly she was taken to Tilaiya Railway Station on scooter by this petitioner and co-accused and thereafter, she alongwith them boarded in a train of Gaya route and finally, they left her at Patna Junction, but during the aforesaid period, she did not raise any alarm. In this case, chargesheet has already been submitted. It is stated in paragraph – 3 of the petition that petitioner has got clean antecedent and he is in custody since 15-02-2020.

However, learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that the prosecution case has been duly corroborated by the statement of the victim girl recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances and the fact that petitioner is in custody since 15-02-2020, having clean antecedent, as stated in paragraph – 3 of the petition, the bail application of petitioner is allowed. Let the above-named petitioner be released on bail on 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, Nawada in connection with Hisua P.S. Case No. 309 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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