

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25788 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- BAKHTIYARPUR District- Patna

SHARDENDU KUMAR @ DINKAR Son of Ram Pyare Singh @ Pyare Lal
Singh Resident of Village - Bihta, P.S. - Salimpur, District - Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Pandey, Advocate.
For the State	:	Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-10-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 28.09.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No.09 of 2020 registered under Sections 366(A), 504 and 506/34 of the Indian Penal Code besides Section 27 of the Arms Act.



The accusation is that in the evening of 08.01.2020, the daughter of the informant Ashok Kumar, aged about 14 years, student of Class-X, had gone to attend the class at Coaching. In course of returning of the daughter of the informant from there, the petitioner Shardendu Kumar alias Dinkar, aged about 35-40 years, with a bad intention, enticed away the minor daughter of the informant in collusion with his family members. Thereafter, the informant went at the house of the petitioner for search of his daughter and returned to his house. Thereafter, all the family members of the petitioner came at the house of the informant and started to abuse and also gave threatening to the informant by making firing.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is tutor and used to go at the house of the informant to teach the younger brother and sister of the victim and the money of the petitioner of several months was due at the informant. When the petitioner made demand of the dues, the informant got managed to lodge the present case. While the informant has claimed in the F.I.R. that his daughter (the victim) was aged about 14 years at the alleged occurrence, but in her medical examination held on 16.01.2020, the age of the victim has been assessed to be more than 18 years. Under



pressure of the informant, in her statement recorded under Section 164 of the Code of Criminal Procedure, while the victim has stated therein about her kidnapping by the petitioner but she has also admitted that the petitioner did not commit anything wrong with her and also admitted the fact that the petitioner is tutor and used to teach her younger brother and sister at her house. Further submission is that the petitioner has no criminal antecedent and is in custody since 27.01.2020.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Barh, District-Patna, in connection with Bakhtiyarpur P.S. Case No.09 of 2020.

(Rajendra Kumar Mishra, J)

P.S./-

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