

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87210 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- MAHILA P.S District- West Champaran

VICKY SINGH, Son of Sri Jitendra Singh, Resident of Village - Barwa, P.S.-
Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been preferred with a
prayer for grant of bail in a case registered for the offences
punishable under Sections 366A, 370 and 506/34 of the Indian
Penal Code.

The prosecution case as per the written report of
Binod Mishra submitted before the S.H.O. Bhagalpur Mahila
Police Station is to the effect that on 12.08.2019, the daughter
of the informant aged about 15 years, went to the house of the
brother of informant, but one the way, she was kidnapped by
the petitioner, Vicky Singh. Thereafter, the informant made a
call on his mobile phone, but the petitioner did not bring the



daughter of the informant back.

It is submitted by learned counsel for the petitioner that during medical examination, no injury has not been found on the body of of victim and the age of the victim has been assessed by the doctor between 15 to 16 years. The victim has stated in her statement recorded under Section 161 of the Code of Criminal Procedure that she on her own went in the company of the petitioner and she has performed marriage with him, whereas, in the statement of the victim recorded under Section 164 of the Cr.P.C., she has stated that in anger, she left her house and the petitioner enticed her away to Nepal and thereafter when case was lodged against the petitioner, she was brought back by him. It is further submitted that the victim was intercepted by the police when she was sitting in a sweet shop. It is further submitted that for the occurrence of 12.08.209, the FIR was registered on 21.08.2019, after recovery of the victim which suggests that the victim on her own left the house in the company of the petitioner. The petitioner is languishing in custody since 22.11.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that there is specific accusation against the petitioner in the FIR.

Considering the inconsistency in the statements of the victim girl recorded under Section 161 Cr. P.C. and Section 164 Cr. P.C., delayed lodging of the case, investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned SDJM, Bagaha, West Champaran, in connection with Bagaha Mahila P.S. Case No. 41 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional



bail, of the like amount each to the satisfaction of the learned
SDJM, Bagaha, West Champaran, in connection with Bagaha
Mahila P.S. Case No. 41 of 2019.

The learned Court below is at liberty to further extend
the period of provisional bail if the lock down is not over in next
three months.

(Dinesh Kumar Singh, J)

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