

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22652 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Gourav Kumar @ Gautam @ Gourav Vishal Son Of Shankar Mahto R/O
Village- Wajahi, P.S.- Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Vijay Anand, Adv.

For the State : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

5 02-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 16.12.2020 seeks
bail in connection with Khodawanpur P.S. Case No.05 of 2020
registered for offence punishable under Sections 341, 366(A),
504/34 of the Indian Penal Code.

Prosecution case in brief, is that the daughter of the
informant did not return from the school till evening and upon
search he came to know that Gourav Kumar @ Gautam @
Gourav Vishal enticed his daughter and eloped away with her.

Learned senior counsel appearing on behalf of the
petitioner submits that due to altercation with mother of the



victim girl a false case of kidnapping has been lodged against the petitioner. Learned counsel for the petitioner further submits that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. also it appears that no sexual assault was made by this petitioner to the victim. The victim had returned back to her home after four days after alleged kidnapping on 02.01.2020. He further submits that in medical report also nothing has surfaced as to whether there was any sexual assault on the victim girl.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances of the case as well as statement of the victim under Section 164 Cr.P.C., let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhaul in connection with Khodawanpur P.S. Case No.05 of 2020, subject to the 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.

(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.

(Purnendu Singh, J)

Prakash Narayan /-

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