

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25793 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- DUMRA District- Sitamarhi

Lalu Kumar @ Amar Son Of Jai Kishore Thakur Resident of Village-
Bhavprasad, Police Station Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dumra P.S. Case No. 323 of 2020 instituted for the offences
under Sections 363 and 366 of the Indian Penal Code.

Learned counsel for the petitioner, at the outset,
submits that the petitioner is in custody since 01.12.2020,
charge-sheet has been submitted in the case and is a person with
clean antecedent.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the date of occurrence is 28.09.2020 and the F.I.R.
has been instituted on 04.10.2020 without explaining the delay.
It is further submitted that on 28.09.2020 informant's minor



daughter went out from the house at 10.00 am for some work to Shankar Chowk and till evening she did not return then the family members started searching and during search on 04.10.2020 some villagers informed that on 28.09.2020 they had seen the victim along with this petitioner and other co-accused persons mentioned in the F.I.R. going towards Muzaffarpur. Accordingly, it is alleged that Lalu Kumar (petitioner) for the purpose of marriage enticed her daughter and took her away and may commit some act to her prejudice.

Learned counsel for the petitioner submits that the victim in her statement made under Section 164 Cr.P.C. had not supported the case of the prosecution and has stated that no one had kidnapped her rather she stated that she used to talk to a boy which was objected by her parents and they used to beat her as such she had left for her maternal uncle's place alone and from her maternal uncle's place, she had gone to Darbhanga to meet the petitioner from where the police brought her back.

Learned A.P.P. for the State fairly submits that since the statement under Section 164 Cr.P.C. is not on record as such the learned court below be directed to verify the same.

Considering the fact that the petitioner is in custody since 01.12.2020, he is a person with clean antecedent and the



victim has not supported the prosecution case as stated in paragraph '10' of the bail application, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 323 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. provided the learned court below is satisfied that the victim in her statement under Section 164 Cr.P.C. has not supported the case.

(Satyavrat Verma, J)

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