

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38996 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- AURAI District- Muzaffarpur

Shivam Kumar Son of Hari Sah Resident of Village- Hariharpur, Kumhara
Vishunpur, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Md.A.H.Sahara,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 24-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Aurai P.S. Case No. 35 of 2020, registered for the offence under Section 363/366(A) of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged to have kidnapped the minor daughter of the informant.

Counsel for the petitioner denies the prosecution case and submits that the entire prosecution case is false and baseless. The victim girl, in her statement recorded under Section 164 Cr.P.C., has clearly stated that no one had kidnapped her. She had gone on her own will and married with the petitioner and also gave birth to a baby girl and presently, she is living in the house of the petitioner. Petitioner is in custody since 06.01.2021.



Counsel for the informant is also present and does not dispute the submission made on behalf of the petitioner and submits that the girl (daughter of the informant) is living at the house of the petitioner.

In view of statement of the victim girl recorded under Section 164 Cr.P.C., the bail petition 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, Muzaffarpur in connection with Aurai P.S. Case No. 35 of 2020, 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 below and shall remain physically present, as directed by the court below, 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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