

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35628 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Sushil Kumar Ram @ Shushil Kumar, S/o Kishori Ram, Resident of village-
Fatheha, P.s.- Kathaiya, District- Muzaffarpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ratneshwar Prasad, Adv.
For the Opposite Party : Mr. Satyendra Prasad, APP

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

ORAL ORDER

2 09-04-2021 As prayed for, let the learned counsel for the
petitioner remove the defect(s), as pointed out by the office vide
it's note, dated 16.12.2020, within four weeks of starting of the
Court proceeding in physical mode properly.

Heard the parties through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Kathaiya P.S. Case No. 180 of 2019, pending in the Court of Sri
Hemant Kumar, Judicial Magistrate, 1st Class, Muzaffarpur,
registered under Section 366A/34 of the Indian Penal Code.

The accusation is that on 08.11.2019 in between 9 to
10 p.m., there was function at the door of Hafizuddin, neighbour
of the informant, where Savita Devi, wife of Janak Ram, Munni
Devi, wife of Kishori Ram, and Asha Devi, wife of Tribhu Ram,



were present and they accompanied her daughter, Nibha Kumari, aged about 15 years. Later on, the informant came to know that Dilip Kumar Ram, Sushil Kumar Ram @ Sushil Kumar (petitioner) and Manoj Ram, boarding on two motorcycles, accompanied her daughter, Nibha Kumari, who is traceless.

The order, dated 29.06.2020, whereunder the prayer of the pre-arrest bail of the petitioner has been refused by the Additional District & Sessions Judge I, Muzaffarpur, indicates that in the statement under Sections 161 and 164 of the Criminal Procedure Code, the victim has stated against this petitioner, as such, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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