

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38879 of 2020**

Arising Out of PS. Case No.-159 Year-2020 Thana- SULTANGANJ District- Bhagalpur

ABHINAV KUMAR S/o Sudhir Mandal R/o Village- Phatepur, P.S.-
Sultanganj, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar,Advocate

For the Opposite Party/s : Mr.Madan Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Madan Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sultanganj P.S. Case No. 159 of 2020 registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that although in the First Information Report it is alleged that this petitioner had kidnapped the victim girl but on a bare perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. (Annexure '2') it would appear that she had left her house because of the beatings received from her parents. She has herself stated that she had made a



telephone call to this petitioner, the petitioner tried to convince her to go back to her house but she did not agree thereafter she left for Patna Girls Hostel. This petitioner had dropped her there.

Learned counsel further submits that from the 164 Cr.P.C. statement it would appear that the matter is nothing else but it is a case of love affair between the petitioner and the victim girl. The victim girl has made a statement that her parents should not torture her and on attaining majority she wishes to marry the petitioner.

Learned counsel submits that in the facts situation of the present case the petitioner who has remained in jail since 9.8.2020 and has otherwise no criminal antecedent deserves privilege of bail.

Learned APP for the State has opposed the prayer for bail of the petitioner but he has not controverted the submissions as regard the statement of victim girl made under Section 164 Cr.P.C.

Considering the facts and circumstances of the case particularly the 164 Cr.P.C. statement of the victim girl wherein she has not supported the prosecution case of kidnapping, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 159 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

