

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40591 of 2020

Arising Out of PS. Case No.-471 Year-2018 Thana- BARH District- Patna

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DILIP KUMAR Son of Balmiki Ram Resident of Village - Fatehpur, P.S.-
Belchi, District - Patna.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Prem Kumar, Advocate.
For the State : Mr. Ajay Kumar No.2, A.P.P.

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

ORAL ORDER

2 29-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 26/27.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Barh P.S. Case No.471 of 2018 registered under Sections 363 and 366(A) of the Indian Penal Code.

The accusation is that Alok Kumar, who is residing in the house of his relation in the village of the informant Pradeep Kumar, used to talk to the daughter of the informant, aged about



14 years, and warn her. In the evening of 29.11.2018, the daughter of the informant moved from the house but she did not return. On 29.11.2018 at about 09.30 P.M., Alok Kumar from his mobile phone talked to the informant on his mobile phone and asked the informant that his daughter has got boarded in the train at Patna Junction and is going to Delhi. While the informant made further query, but Alok Kumar did not give satisfactory reply. The informant raised suspicion about kidnapping of his daughter by Alok Kumar.

Learned counsel for the petitioner submits that the petitioner is the resident of the village of Alok Kumar and due to that reason, the petitioner has also been implicated in this case during investigation. Further submission is that while the statement of the daughter of the informant was recorded under Section 164 of the Code of Criminal Procedure on 03.12.2018 but she did not disclose the name of the petitioner rather she has stated that when she was served Prasad by the aunt of her friend at the residence of her friend, then she started feeling dizziness and sat there and saw 2-3 boys behind her. Thereafter, she became unconscious and when she regained consciousness, she found herself in the train and one person, who had caught hold of her hand, asked her that she is being taken near her father and



that person gave her something to eat and, thereafter, she slept. When she regained consciousness, she found herself at the residence of Anup. Further submission is that the co-accused Anup Kumar alias Alok Kumar has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 16.10.2019 passed in Criminal Misc. No.64604 of 2019. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Barh, Patna, in connection with Barh Police Station Case No.471 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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