

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1982 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MANER District- Patna

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MUKESH KUMAR SON OF CHANDRA DEV SINGH RESIDENT OF
NEW SHIV MANDIR SARAI, P.S. - MANER, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Maner P.S. Case No.28 of 2020 registered for the offences punishable under Sections 366(A), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the FIR the informant came to know on 10.01.2020 that his daughter has gone missing. Though he came to know it in the early morning, no information in this regard was given to the police station. The informant claims that he got a telephonic information from GRP, Banaras on 11.01.2020 at about 12.00 noon informing him that his daughter has been found with a boy and he should bring back his



daughter. The informant further states that he went there and brought his daughter directly to Maner police station. The informant further alleged that his daughter disclosed that the co-villager Akash Kumar, son of Rajesh Singh had kidnapped her, alluring her in the name of marriage and thereafter he had left her.

Learned counsel submits that the FIR has been lodged on 18.01.2020, therefore, it is apparent that despite information received by the informant from GRP, Banaras on 11.01.2020 he claims to have brought back his daughter on 18.01.2020 and as per his own version only one boy was found with his daughter by the GRP. His daughter also confirmed that she was taken away by one Akash Kumar, who is a co-villager.

Learned counsel submits that subsequently after nine days the 164 Cr.P.C. statement of the victim was recorded in which she implicated the entire family members of Akash Kumar including this petitioner who happens to be the uncle of said Akash Kumar. Learned counsel submits that apparently she has been tutored during this period to implicate each and one from the family of the boy.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner, but considering that the boy Akash Kumar has already been arrested and he is said to be in judicial custody, this petitioner is not named in the FIR and in the very first version of the informant he has disclosed what his daughter had told him, still in his statement he is not implicating this



petitioner, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Maner P.S. Case No.28 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Shushri Nutan Kumari, J.M.-1st Class, Danapur, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(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'.

