

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4734 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- KHAJAULI District- Madhubani

Shivam Kumar Singh, Son of Sanjay Kumar Singh, Resident of Village-
Giridhara, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Mritunjay Narain, Adv.

For the Opposite Party/s : Mrs.Sanjeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363 and 366 (A) of the Indian Penal Code.

Prosecution case, in brief is that the daughter of the informant had gone to bathroom near my door and from that time she is trackless. I searched with my village people in the night but my daughter was not found. It is suspected that she



has been kidnapped by unknown persons with conspiracy. Any mishappening may happen with her and that happening may be by conspirator.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the statement of the victim recorded under Section 164 Cr.P.C. before the learned Magistrate stated that she had gone to own consent with the petitioner and also solemnized marriage with the petitioner. Photocopy of the photograph is enclosed in supplementary affidavit, which is as Annexure-A of the said supplementary affidavit. He further submits that the medical report shows that there is no sign of rape and sexual assault of the victim. The petitioner is languishing in judicial custody since 07.04.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the specific statement of the victim recorded under Section 164 Cr.P.C. has not supported the prosecution case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five



thousand) with two sureties of the like amount each in connection with Khajauli P.S. Case No. 21/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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