

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81219 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- KARAHGAR District- Rohtas

SONU LAL Son of Rabindra Lal Resident of Village - Pipra (Madanrayke),
P.S.- Karahgar, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-03-2021 Heard both sides.

The petitioner apprehends his arrest in Kargahar P.S.
Case No.153 of 2019 registered under Sections 366A and 34 of
the Indian Penal Code.

The father of the victim alleged that on 03.06.2019 at
4 A.M., Kanchan Lal, Daroga Lal, Motijharo Devi, Sonu Lal(the
petitioner) and Birendra Lal kidnapped his minor daughter.
Vishwanath Sah, Ramayan Thakur, Kripashankar Rai, Sunil
Singh and Sriram Thakur saw the occurrence.

The learned counsel for the petitioner submits that
admittedly, the informant is not an eye witness of the
occurrence. The informant named many persons as eye witness
of the occurrence but in fact, they have not seen the occurrence.
Had they seen the occurrence, they would have prevented the



kidnapping of the victim from the house of the informant. The victim made her statement under Section 164 Cr.P.C. and she disclosed that while she was all along in her house, Kanchan Lal came with two persons and kidnapped her. Kanchan Lal took her to Patna and when she insisted, Kanchan Lal brought her to Sasaram. It is submitted that the victim did not name the petitioner and any other person. It is submitted that the victim and Kanchan Lal were having affairs and they fled away from the house. The victim was travelling with Kanchan Lal. If the victim was kidnapped, she would have made alarm all along her way to Patna but she did not do such which itself shows that victim was a consenting party.

Taking into consideration the facts aforesaid and the fact that victim herself did not name the petitioner in her statement under Section 164 Cr.P.C. as kidnapper although the petitioner is also co-villager of the victim, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Rohtas at Sasaram in connection with Kargahar P.S. Case No.153 of 2019, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Jha, J)

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