

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1847 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

MUKESH PANDIT S/O DHANNO PANDIT R/o village- Lodipur Lakharaj,
P.S.- Mahnar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Industrial
Area P.S. Case No. 106 of 2021 registered for the offence under
Sections 363, 366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.07.2021.

The allegation against the petitioner is to kidnap the
daughter of the informant for the purpose of illicit intercourse
along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the victim girl was in friendly relations with



petitioner and she went her own, as such the occurrence cannot be said as kidnapping. It is also submitted that fact of kidnapping not supported through statement of victim recorded under Section 164 of the Cr.P.C. and also there is no allegation as regard to sexual assault. It is submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that factum of kidnapping and sexual assault, denied by victim in her statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault are denied through statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Industrial Area P.S. Case No. 106 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Vaishali at Hajipur/concerned



court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Dhanno Pandit, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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