

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3516 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- SHRI NAGAR District- Madhepura

Chandan Kumar Son of Dayanand Mandal Resident of Village- Jorawarganj,
Ward No.-09, Police Station- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Srinagar P.S. Case No. 83 of 2020 registered for the
alleged offences under Sections 363, 366 and 34 of the Indian Penal
Code.

As per prosecution case, the daughter of the informant
was forcibly taken away by the co-accused persons and the informant
raised suspicion that the petitioner was also involved in the
occurrence.

Learned counsel for the petitioner submits that
prosecution case is false and fabricated and the petitioner has been
falsely implicated in this case. For an occurrence dated 07.11.2020

the F.I.R. has been registered after 14 days and there is no explanation for the same. The informant is herself not a eye witness and there is no other person who might have seen the occurrence and named this petitioner for his involvement. After 14 days when the victim returned, her statement was recorded under Section 164 Cr.P.C. and from this statement it appears that a person named Sunil sent her back from Itawa and she has made allegation against her co-accused cousins and also against this petitioner in completely vague terms. From this statement it also appears that she was a consenting party in the alleged occurrence as she never raised any alarm though she was taken from her house to Agra. She was kept at different places but she did not inform any person. Disbelieving the case of the prosecution and the victim, a Coordinate Bench granted bail to co-accused Sunil Kumar and Dilkush Kumar vide order dated 19.05.2022 passed in Cr. Misc. No. 366 of 2022. The case of the petitioner is similarly placed. Charge sheet has been submitted in this case and the petitioner is in custody since 17.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the story narrated by the victim in her statement recorded under Section 164 Cr.P.C. which hardly shows any wrongful act of serious nature on the part of the petitioner and further considering the grant of bail to other

co-accused persons along with period of custody of the petitioner and submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Madhepura in connection with Srinagar P.S. Case No. 83 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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