

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2699 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- KHARHAGPUR District- Munger

Rohit Kumar Son of Shyam Sundar Singh @ Shyam Sundar Mandal Resident
of Village - Pokari, P.S. - Haveli Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 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
Kharagpur P.S. Case No. 310 of 2021 registered for the offence
under Sections 366(A), 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.09.2021.

The allegation against the petitioner is to kidnap the
informant/victim, who is minor, alongwith other co-accused
persons, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that the victim is habitual of lodging such type of



cases, as it appears from the bare perusal of the F.I.R. It is submitted, as alarm was raised by the villagers at the time of occurrence, the victim/informant was rescued by police, as such, the maximum allegation, which appears to be suggestive, is of attempt for the alleged offence. It is also submitted that there is no allegation of sexual assault, as per the statement of victim, recorded u/s 164 of Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that there is no allegation of sexual assault, as per statement of victim recorded u/s 164 of Cr.P.C.

Considering the facts and circumstances as mentioned above, as there is no allegation of sexual assault coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kharagpur P.S. Case No. 310 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 Judicial Magistrate, First Class, Munger, District-
Munger/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
Shyam Sundar Singh @ Shyam Sundar
Mandal, who is the father of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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