

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3528 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- PATORI District- Samastipur

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MUKUL KUMAR S/O LATE DEV PRASAD RAY R/o Village- Mohanpur,
P.S.- Shahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Shahpur Patori P.S. Case No. 124 of 2021 registered for the
offences punishable under Sections 363, 366, 366A, 34 of the
Indian Penal Code.

As per prosecution case, there is accusation against
the petitioner and others to have kidnapped the informant's
daughter with wrong intention.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.07.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that alleged occurrence took place on 21.04.2021 at 4 A.M. but the FIR has been lodged on 22.04.2021 and no explanation has been given with regard to delay in lodging the FIR. He further submits that victim has been examined by the medical board and her age has been found 15 years and the doctor did not find any sexual assault. He further submits that victim has denied the factum of kidnapping in her statement under Section 164 of the Cr.P.C. and she has stated that she knows the petitioner as the petitioner is well acquainted with her uncle.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence as well as this aspect of the matter that victim denied the factum of kidnapping in her statement under Section 164 Cr.P.C., argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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, 1st Class, Samastipur in connection with Shahpur Patori P.S. Case No. 124 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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