

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3598 of 2022

Arising Out of PS. Case No.-467 Year-2021 Thana- BIHTA District- Patna

PRADUMAN KUMAR Son of Late Birjan Rai Resident of Village-
Mustafapur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar Srivastava

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-09-2022 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 Bihta P.S.
Case No. 467 of 2021 registered for the offence under Sections
363, 366 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.07.2022.

The allegation against the petitioner is to kidnap the
daughter of informant, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that allegation of kidnapping is very much general
and omnibus against this petitioner. It is also submitted that



petitioner is also the resident of same village and it is a case of love-affairs. It is also submitted that victim denied the allegation of sexual assault/abuse through her statement recorded under Section 164 of the Cr.P.C against this petitioner. It is also submitted that eye-witness of the occurrence appears doubtful, as if the version of victim be taken into consideration, the eye-witness is the mother, where, as per FIR, informant is the father of the victim. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is no allegation regarding sexual assault/abuse, as per statement of victim, recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as informant claiming eye-witness of the occurrence appears doubtful on its face, in view of statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that there is no allegation as regard to sexual assault/abuse, let the petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No. 467 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 A.C.J.M. 1st, Danapur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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