

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4507 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- SITAMARHI District- Sitamarhi

DILIP KUMAR @ DILIP KUMAR SINGH, son of Hari Narain Singh,
resident of village-Gharwara, P.S. Suppi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajeev Kumar Singh, Advocate
	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

At the outset, Sri Rajeev Kumar Singh, learned
counsel appearing on behalf of petitioner submits that there is
typographical error in the typed copy of Annexure-3, which is
the statement of the victim under Section 164 Cr.P.C.

Learned counsel for the petitioner is permitted to
make necessary correction in course of the day.

The petitioner seeks regular bail in connection with
Sitamarhi (Mehsaal) P.S. Case No. 287 of 2021, for the offence
punishable under Sections 363 and 366(A)/34 of the Indian
Penal Code.



The prosecution case, in brief, is that one Ramesh Kumar submitted a written report to the S.H.O. Mehsaul O.P. with regard to kidnapping of his minor daughter, namely, Akancha, aged about 16 years, who had left her house on 11.04.2021 and till the date of lodging of F.I.R., she has not returned home. On search, informant received information that her daughter has been enticed by her friend Abhishek Kumar @ Shanu and Prithvi Raj @ Raj and resides with their father Dilip Kumar @ Dilip Kumar Singh, who is the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the so far as the present petitioner is concerned nothing has been alleged against him that he has assaulted the victim, physically, or has kidnapped her along with the accused persons. The victim, in her statement recorded under Section 164 Cr.P.C., has not made any allegation against the petitioner. The victim had come back to her parental home on her own on 21.04.2021. He further submits that, in fact, the victim and his son are in love affairs and the victim girl eloped with his boy according to her sweet will Petitioner has falsely been implicated in this case. The petitioner is languishing in custody since 18.04.2021.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the statement of the victim under Section 164 Cr.P.C., wherein she has stated that she is in love relationship with Abhishek Kumar @ Shanu, son of petitioner, from her statement it appears that she has not made any allegation against the petitioner with respect to her kidnapping or assault or has facilitated his son to elope the victim. Prima facie, the petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (Mehsaul) P.S. Case No. 287 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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