

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5078 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Abhishek Kumar @ Abhishek Anand Son Permanand @ Parmanand Singh
Resident of Village- Kejiya, P.S.- Pusha (Waini O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that in paragraph nos. 1 and 11 of the bail petition,
inadvertently, month of custody has been wrongly typed as
‘03.08.2021’ instead of ‘03.09.2021’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary corrections during the course of the
day itself.

The petitioner seeks bail in connection with Begusarai
Muffasil P.S. Case No. 429 of 2021 registered for the offence



under Sections 366 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.09.2021.

The allegation against the petitioner is to kidnap the wife of the informant to compel her marriage against her will and also to seduce or illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner is purely on the basis of electronic evidence, where no mandatory certificate u/s 65B of the Indian Evidence Act was obtained during the course of investigation. It is submitted that no involvement can be gathered mere on the allegation of chatting, as no text of chatting is available on record. It is further submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion. 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 the fact that informant is not the eye witness of the occurrence, as per F.I.R.



In view of the facts and circumstances, as mentioned above, as chargesheet has been submitted without the mandatory certificate as per Section 65B of the Indian Evidence Act, where entire accusation is based upon electronic evidence coupled with the fact that no text of chatting is available to gather implication, let the petitioner, above named, is directed to be released on bail in connection with Begusarai Muffasil P.S. Case No. 429 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 Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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