

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8517 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- NAANPUR District- Sitamarhi

Tunna Das S/o Rajdeo Das Resident of Village - Banaul, P.S. - Nanpur,
District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP
For the Informant	:	Mr. Devendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 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 Nanpur
P.S. Case No. 68 of 2021 registered for the offence under
Sections 363 and 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.12.2021.

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

Learned counsel appearing on behalf of the petitioner



submitted that victim was on the verge to be major. It is submitted that victim nowhere supported the fact of penetrative sexual assault against the petitioner through her statement recorded under Section 164 Cr.P.C. It is also submitted that bare perusal of said statement, it appears that victim solemnized her marriage with the petitioner out of her own sweet-will and also as per consent of the parents. It is submitted that victim girl is mother of a child out of said marriage and living married life with the petitioner. It is also submitted that present case has been lodged against the petitioner due to certain misunderstanding/misconception of the fact between the parties, where petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel for the informant, submitted that present prosecution is due to certain misunderstanding/misconception of the fact between the parties and supported the fact that marriage was solemnized with consent of the parents of victim i.e. informant of the present case.

Considering the facts and circumstances as mentioned



above, as there is no allegation as regard to penetrative sexual assault/rape against the petitioner as per statement recorded under Section 164 Cr.P.C., coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nanpur P.S. Case No. 68 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.D.J. VI, Sitamarhi/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 Mahendra Das, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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