

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10425 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- SIRDALA District- Nawada

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ASHIRVAD KUMAR Son of Dinesh Bhuyian Resident of Village -
Bageshwari, P.S.- Sirdala, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-11-2022 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 Sirdala
P.S. Case No. 113 of 2021 registered for the offence under
Section 366(A), 504/34 of IPC.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2021.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about 13 years for the
purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that Petitioner was falsely implicated in present case



due to local dispute and differences. It is further submitted that from the bare perusal of the statement of victim as recorded under Section 164 of the Cr.P.C., it does not appear that any allegation is available against this petitioner as regard to sexual assault. It is also submitted that the petitioner, in fact drop victim to her home. It is also submitted that the doubt of the allegation can be easily gathered as victim and her parents refused to go for medical examination. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of sexual assault is not available through statement of victim as recorded under Section 164 of the 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 Sirdala P.S. Case No. 113 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 Court of A.C.J.M., I, Nawada/concerned Court, subject to the



conditions as follows:

“(i) That 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 Laxmania Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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