

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10884 of 2022

Arising Out of PS. Case No.-402 Year-2021 Thana- AMARPUR District- Banka

Karan Kumar Son of Jyotish Tanti Resident of Village- Banhara, P.S.-
Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Amarpur
P.S. Case No. 402 of 2021 registered for the offence under
Section 366 (A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.08.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant aged about 14 years.

Learned counsel appearing on behalf of the petitioner
submitted that the statement of victim girl recorded under
Section 164 Cr.P.C. (Criminal Procedure Code) is suggestive of
the fact that the occurrence was not of kidnapping rather victim



girl went with the petitioner on her own sweet will and solemnized her marriage. It has also been submitted that the said recorded statement of the victim girl clearly reveals that nothing has been done with the victim girl against her will. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that statement of victim girl as recorded under Section 164 Cr.P.C. negate the act of kidnapping.

Considering the facts and circumstances as mentioned above, as victim girl went with the petitioner on her own sweet will, as per the statement recorded under Section 164 Cr.P.C. coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 402 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, Banka, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial.

(iii) That one of the bailors shall be Naresh Tanti, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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