

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13756 of 2022

Arising Out of PS. Case No.-709 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Anand Kumar Sah, Son of Kameshwar Sah Resident of Village - Lavkushpur,
P.S.- Chapra Muffasil, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Chapra
Muffasil P.S. Case No. 709 of 2021, registered for the
offences punishable under Section 366 (A) of the Indian
Penal Code.

As per allegation, the daughter of the informant
had gone to Vidya Ashram to study. When she did not return
to her house till evening, she was searched by the informant.
During search, it came to the notice of the informant that
her daughter was kidnapped by the petitioner and his
associates.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the medico-legal report, the victim is major and is 22 years of age. He also submits that as per the medico-legal report, the alleged victim has no sexual intercourse in the recent past and she was not pregnant. He further submits that the petitioner had never forced the alleged victim to go to Siliguri and she had accompanied him on her own sweet-will. He also refers to the statement of the alleged victim recorded under Section 164 Cr. P.C. in which she has clearly stated that she was not ill-behaved and she used to get food during stay at Siliguri and after hearing of lodging of the present case, the petitioner took her at her home. He further submits that on bare perusal of the statement recorded under Section 164 Cr. P.C., utmost, there is allegation of enticement but as a whole there is no serious incriminatory statement made by the alleged victim against the petitioner. He also submits that the petitioner has been languishing in jail since 23.12.2021 i.e. for about ten months. He also submits that



charge-sheet has been submitted in this case.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, particularly the medico-legal report as well as the statement of the alleged victim recorded under Section 164 Cr. P.C., the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-9th, Chapra, District-Saran, in connection with Chapra Muffasil P.S. Case No. 709 of 2021, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

U		T	
---	--	---	--

