

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15564 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- PAROO District- Muzaffarpur

KISHAN KUMAR S/o- Nawal Ram Resident of - Vill - Paroo Babu Tola, P.S.
- Paroo, Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Paroo P.S. Case No. 428 of 2021 for the offences under
Sections 363, 366(A) and 34 of the Indian Penal Code.

As per the FIR, the allegation against the petitioner is
that he along with other accuseds picked up the girl on his
shoulder and dumped her in a four wheeler and fled away with
her.

In this case, case diary was called for on 11.07.2022
which has since been received. The counsel for the petitioner
submits that a bare perusal of statement made by the victim girl



under Section 164 of the Cr.P.C. narrates a different version that when the accused persons including the petitioner herein picked her up on his shoulder and tried to take her away, she raised '*hulla*' whereafter they fled away. She came to her home and informed her mother. Thereafter, the family members of the victim girl went to make complaint before the family of the petitioner where it is alleged that they resorted to '*marpit*'.

Learned counsel for the petitioner further submits that the two versions in the FIR and under section 164 Cr.P.C. statement of the victim girl does not match with each other and he being in custody since 31st of October, 2021 (as stated in paragraph-16 of the bail application) as also the fact he does not have criminal antecedent, deserve bail

Taking into account the aforesaid fact of different version in the FIR as well as section 164 Cr.P.C. statement as also the fact that he is in custody since 31.10.2021 and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ACJM 3rd (West), Muzaffarpur in connection with Paroo P.S. Case No. 428 of



2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Nothing recorded in the present bail application will be taken into consideration at the time of trial as the same has been observed in the bail purposes only.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/-

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

