

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17858 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- NAGARNAUSA District- Nalanda

VINAY KUMAR, aged about 33 years, Male, Son of Nagendra Prasad,
Resident of Kharzamma, Police Station- Deep Nagar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey, Advocate
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 A supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Nagarnausa P.S. Case No. 146/2021 for the offence
registered under Sections 366(A)/34 of the I.P.C.

The prosecution story, in brief, is that the co-accused
Vicky and his father abducted the victim and took her to a place
where three persons including the petitioner was present.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The petitioner is not named in the F.I.R. His name has come in the present case in course of investigation. From perusal of the order of the learned Sessions Court, it appears that the victim has been recovered and her statement under Section 164 Cr.P.C. has been recorded. From perusal of the statement of the victim, it appears that the victim has not levelled any allegation of physical or sexual abuse against the petitioner. The petitioner has further submitted that there was complaint case which was instituted by the brother-in-law of this petitioner against the informant and others and in retaliation of the said case, the present case has been instituted. The petitioner has falsely been implicated in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-7-cum-Special Judge, POCSO Act, Bihar Sharif, Nalanda, in connection with Nagarnausa P.S. Case No. 146/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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