

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17468 of 2022**

Arising Out of PS. Case No.-188 Year-2017 Thana- MANSI District- Khagaria

=====

GANGA DAS Son of Nebajee Das Resident of Village- Chakhusaini, P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

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

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offence punishable under Section 366A of the Indian Penal

Code.

As per allegation, informant's daughter aged about 17

years was kidnapped and the said victim alleged that the present

petitioner was involved in the alleged crime.

The main submissions advanced by the learned

counsel for the petitioner are that FIR of the present case was

lodged after 09 days of the alleged occurrence, in the FIR no

person was named as accused and there is simply detail of



mobile number which is stated to have been used by some accused in making conversation with the informant and so-called victim is not minor according to her medical examination report in which her age has been assessed between 18 to 19 years. Further submission is that during course of investigation victim firstly recorded her statement under section 161 Cr.P.C in which she did not name the petitioner as being involved in the alleged crime but later on before the Judicial Magistrate, she implicated this petitioner and there is serious contradiction in between statement recorded under section 161 Cr.P.C and statement recorded under section 164 Cr.P.C. Further submission is that petitioner preferred anticipatory bail vide Cr. Misc. no. 10274/2018 along with other co-accused persons and considering the nature of the allegation the co-accused who are ladies were granted anticipatory bail while prayer of the petitioner was rejected despite the fact that as per statement made by the victim before Judicial Magistrate the nature of the allegation against the petitioner is absolutely same with co-accused persons. Further submission is that the petitioner is 70 years old and has been languishing in jail since 18.1.2022 and case of the petitioner has been committed to the court of sessions, same is at initial stage of trial and he has got no



criminal antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case as well as considered the above submissions mainly petitioner's custody period and also the fact that victim has been recovered, petitioner's case is at initial stage of trial and he has clean antecedent, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in Mansi P.S Case No. 188 of 2017.

(Shailendra Singh, J)

s.hassan/-

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

