

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18860 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- KATORIYA District- Banka

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DABLU DAS, Son of Munna Das Resident of village - Udalkhut, P.s.-
Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Katoria
P.S. Case No. 340 of 2021, registered for the offences
punishable under Section 366A of the Indian Penal Code.

As per allegation, the daughter of the informant
went towards the river to attend call of nature, but did not
return and during search, it came to the knowledge of the
informant that the petitioner has abducted his daughter.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He submits that it is not a case of kidnapping or



abduction and refers to the statement of the alleged victim as recorded under Section 164 Cr. P.C, as per which, no offence has been committed by the accused-petitioner against her. She has further stated that she wanted to marry the accused-petitioner and in fact she married him, and after the marriage she came back to her home. He also submits that the age of alleged victim is 18 years as assessed by the learned Judicial Magistrate during the course of recording the statement of the alleged victim under Section 164 of the Cr.P.C.

The petitioner is languishing in jail since 06.12.2021.

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 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail and submits that the alleged offence is serious in nature.



Considering the aforesaid facts and circumstances the petitioner, particularly 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 Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case 340 of 2021 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)

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