

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19995 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- GADHPURA District- Begusarai

CHHOTU KUMAR Son of Vijay Mahto, R/o Village - Parwatipur, P.S.-
Garhpura, District - Begusarai, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Syed Asfar Alam, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Garhpura P.S. Case No. 105 of 2021 lodged under Sections
366A, 341, 323, 504 and 506/34 of the Indian Penal Code.

The prosecution story is that the daughter of the
informant namely, Chandani Kumari was in love with the
petitioner. The allegation of kidnapping was made against the
petitioner in collusion with other named four accused persons.

Learned counsel for the petitioner submits that the
entire prosecution story is totally false, fabricated and
concocted. He further submits that F.I.R. has been lodged, after
four days of the alleged kidnapping. He further submits that the
daughter of the informant was recovered, thereafter her

examination under Section 164 of Cr.P.C. (Annexure-4) has taken place before the Magistrate, in which, she herself deposed that she was not kidnapped by anyone rather she herself gone to Patna with her friend as well as she has disclosed about her age also. Learned counsel for the petitioner further submits that after recovery, the medical board was constituted, comprising of four experts and they have ascertained the age of the daughter of the informant is about 20 years. Hence, no offence under Section 366A of I.P.C. is made out. He further submits that Sections 341, 323, 504 and 506 of the I.P.C. are bailable.

Learned counsel for the State fairly submits that in the medical board as well as in the statement of victim under Section 164 of the Cr.P.C. the age was determined and the allegation of kidnapping was denied. Age of the alleged victim was ascertained to 20 years and allegation of kidnapping was denied by the said alleged victim herself.

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Begusaria in connection with Garhpura P.S. Case No. 105 of

2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. and also one of the bailors shall be close relative of the petitioner.

The petitioner is directed to appear before the lower Court on each and every date, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bonds without any plausible reason.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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