

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25144 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SIDHWALIYA District- Gopalganj

PAPPU KUMAR, S/o Yogendra Rai, resident of village – Bucheya, P.S. Sidhwaliya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Vardhan, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh ,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-09-2022 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 Sidhwalia P.S. Case No. 08 of 2022 for the offences under
Sections 363/366 A of the Indian Penal Code.

In this case, the case diary as also the statement of the
victim girl under Section 164 of the Cr.PC was called for on
08.08.2022 which has since been received.

The allegation made in the FIR is of kidnapping of the
minor daughter of the informant by the petitioner herein.

Learned counsel for the petitioner submits that the
victim girl had stated that she had gone on her own and further



the Medical Board has also found her age between 17 to 18 years.

Learned APP for the State has gone through paragraph-26 of the case diary where in the statement of the victim girl has been recorded under Section 164 of the Cr.PC in which she has narrated that she had gone on her own with the petitioner, Pappu Kumar and he had committed no wrong with her. Further paragraph-29 of the case diary states that the Medical Board has opined the girl to be of 17-18 years of age.

Taking into account the aforesaid facts including the statement made by the victim girl and the report of the Medical Board, he is in custody since 17.02.2022 (stated in the paragraph-12 of the bail application) and has no criminal antecedent, this Court is inclined to grant him 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 learned Judicial Magistrate 1st Class, Gopalganj in connection with Sidhwalia P.S. Case No. 08 of 2022, 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 in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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