

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25270 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- SONEPUR District- Saran

PAWAN KUMAR GUPTA S/o Ramayan Sah Resident of Village- Shivpur
Tola, Parmanand Pur, P.S.- Sonapur, District- Saran at Chpara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sonapur
P.S. Case No. 02 of 2022 registered for the offence under
Sections 363, 366(A) and 34 of the Indian Penal Code and under
Section 5 of the Immoral Traffic (Prevention) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.01.2022.

The allegation against the petitioner is to kidnap the
minor daughter and sister's daughter of the informant, for the
purpose of illicit intercourse..



Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of statement of both the victims, recorded under Section 164 of the Cr.P.C., it appears that victims went on their own sweet will with the petitioner, as they were acquainted to each other and having friendship. It is further submitted that it can safely be gathered from statement of victims that the occurrence is not of kidnapping. It is also submitted that statement of victims, recorded under section 164 of the Cr.P.C., further suggest that it is not a case of sexual assault/abuse. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that both the victims through her statement denying thereof allegation of kidnapping and sexual assault/abuse, against this petitioner.

Considering the facts and circumstances as mentioned above, and also considering the statement of both the victims, recorded under section 164 of the Cr.P.C., denying thereby kidnapping and sexual assault/abuse, where petitioner is a man



of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sonepur P.S. Case No. 02 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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