

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27683 of 2022**

Arising Out of PS. Case No.-739 Year-2021 Thana- LAKHISARAI District- Lakhisarai

DILKHUSH KUMAR SON OF MOTI SAW R/O- VILL- REHUA, P.S.-
LAKHISARAI, DIST.- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 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 Lakhisarai P.S. Case No. 739 of 2021 for the offences
under Sections 363 and 366(A) of the Indian Penal Code.

The informant has alleged in the FIR that his minor
girl was kidnapped by the accused persons and when they went
to their home to make complaint, they were abused and had to
leave the place.

Learned counsel for the petitioner submits that
contrary to the allegation made in the FIR submits that the
victim girl in her statement under Section 164 of the Cr.P.C. has



stated that she was not kidnapped rather she had gone to her aunt home after she was scolded by her mother. This fact has been incorporated in the order of the learned Sessions Judge which the learned counsel for the petitioner has brought to the attention to this Court.

Considering the aforesaid fact that he is in custody since 10.01.2022 (as stated in paragraph-13 of the bail application, has clean antecedent and charge sheet stands submitted, this Court is inclined to grant him the 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 739 of 2021, 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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