

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28291 of 2022**

Arising Out of PS. Case No.-549 Year-2021 Thana- AHİYAPUR District- Muzaffarpur

OM PRAKASH son of Late Devendar Sah Resident of Mohalla - Neem Chowk, Durga Asthan Mandir, Milki tola, P.S. - Kaji Muhammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                        |
|--------------------------|---|------------------------|
| For the Petitioner/s     | : | Mr. Dr. Alok Kumar     |
|                          | : | Mr. Hanslal Kumar      |
| For the Opposite Party/s | : | Mr. Umanath Mishra APP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      20-09-2022                      Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363 and 366A of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant who is 17 years old. The co-accused persons Munni Devi and Suman Kumar also abused the informant when she went to the house of



the petitioner searching for her daughter.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. It has been further submitted that as per the impugned order during the course of recording her statement under Section 164, the learned Magistrate had assessed the age of the victim as more than 19 years. It has further been submitted that during the course of travelling from Nepal to Delhi, no alarm was raised by the victim. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.12.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim has supported the prosecution case that the petitioner has taken the victim from Nepal to Delhi.

Considering the aforesaid facts and circumstances of the case as well as the petitioner of detention, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Ahiyapur P.S.



Case No. 549 of 2021, with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

**(Chandra Prakash Singh, J)**

niku/-

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