

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30929 of 2022**

Arising Out of PS. Case No.-779 Year-2021 Thana- MAHUA District- Vaishali

Aakash Kumar Son Of Mithilesh Singh R/O Village- Madhaul, P.S.- Desari
(CHANDPURA O.P.), District- Vaishali At Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A)/34 of the I.P.C.

According to prosecution case, in brief is that the
grand daughter (Natni) of informant namely Laxmi Kumari,
aging about 16 years, was residing at his home and pursuing her
studies therefrom. It is further stated that the said Laxmi Kumari
was the student of Intermediate in Sumari High School,
Kampura. It is alleged that on 14.12.2021 at 09:30 AM his grand
daughter proceeded from house for school but she did not reach



her school and in between the said two places she was kidnapped. It is further alleged that the informant is having suspicion that Aakash Kumar, Gaurav Kumar, Saurav Kumar and Varsha Kumari have conspired to kidnap his grand daughter and upon inquiry so made by informant it transpired that mobile number 7479904848 and 6200386344 held by said Aakash Kumar is coming switched off. The further prosecution case is that when the informant complained the matter to Moti Singh and Mithlesh Singh then they became furious and removed the informant away upon abusing and threatening to assault him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner and victim girl was in love and the petitioner never kidnapped the girl rather she has left her house with her sweet will with the petitioner. He further submits that there is contradiction in statement of the victim girl recorded under Section 161 Cr.P.C. and 164 Cr.P.C.. He further submits that the date of occurrence is 14.12.2021 and the present F.I.R. has been instituted on 16.12.2021 after delay of two days without any explanation of delay. He further submits that the victim girl recovered and her statement recorded under Section 164 Cr.P.C. in which she has



not stated anything about the sexual assault against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahua P.S. Case No. 779 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

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