

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42106 of 2021**

Arising Out of PS. Case No.-173 Year-2016 Thana- SURYAGARHA District- Lakhisarai

DILIP KUMAR @ DILIP CHAUDHARY S/O LATE PURAN
CHAUDHARY R/O VILLAGE-NAYA BAZAAR, DALPATTI, P.S-
LAKHISARAI, DISTRICT-LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritvik Thakur
Mr. Shivam
For the Opposite Party/s : Mr. Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 09-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Suryagadha Police Station Case No. 173 of 2016, registered for
the offences punishable under Sections 363/366-A of the Indian
Penal Code.

A First Information Report was lodged on
15.07.2016 for missing person stating that the eldest daughter of
the informant was missing since 11.07.2016. The name of the
petitioner has transpired on the basis of the statements of the
victim girl recorded under Sections 161 and 164 of the Code of
Criminal Procedure, 1973 after her recovery on 16.07.2016.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case merely on suspicion and on the basis of the statements of the victim girl recorded under Sections 161 and 164 of the Code of Criminal Procedure, 1973, in which she has stated that she had left her house due to the fact that she was scolded by her parents. She has further stated that she was living at railway station and on 14.07.2016, she met with a boy, with whom she travelled to Kuil and Lakhisarai and reached near a house, which was closed from inside and upon knocking the door, a boy from inside asked as to whether it is Dilip and upon confirmation by the boy who was accompanying the victim girl that his name is Dilip, the door was opened, and for the first time, the victim girl has claimed that she came to know the name of the accused person. He further submits that on the basis of the statement of the victim girl, Section 376 of the Indian Penal Code was added subsequently and since the name of the petitioner is Dilip Kumar, he has been arrested by the police, on the basis of warrant of arrest issued on 11.12.2020, on 21.02.2021. He next submits that the petitioner has not been put on Test Identification Parade and only his confessional statement has been recorded and except the said confessional statement, there is no material to show that the petitioner has committed the



present offence. He further submits that the petitioner is in custody since 21.02.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner has not been put on Test Identification Parade, charge sheet has already been submitted and the petitioner is in custody since 21.02.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Suryagadha Police Station Case No. 173 of 2016.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

