

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42637 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- MUNGER MUFFASIL District- Munger

NITISH KUMAR Son of Mithlesh Singh Resident of Village - Katria, P.S.-
Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 17.03.2021,
seeks regular bail in connection with Muffasil P.S. Case No. 85
of 2021 for the offence punishable under Section 366A of the
Indian Penal Code.

The prosecution case, in brief, is that the petitioner is
said to have kidnapped the minor daughter of the informant
while the informant was not at her house. The petitioner used to
supply water in her house.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the victim girl was recovered along with the petitioner at Munger Railway Station. The statement of the victim girl under Section 164 was recorded wherein she has stated that the petitioner took her along with him and kept her, however neither she was inflicted any sexual assault nor she was forced to marry. He further submits that as per the impugned order, a medical board was constituted and the age of the victim has been reported to be in between 16-17 years. Chargesheet has already been submitted against the petitioner. Petitioner is willing to keep the victim girl with full honour and dignity. There is no allegation of sexual assault against the petitioner. Hence the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is statement of the victim girl that neither she was inflicted any sexual assault nor she was forced to marry, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trial in near future due to COVID-19, the



petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Munger in connection with Muffasil P.S. Case No. 85 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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