

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43632 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

RAHUL KUMAR Son of Om Choudhary @ Om Prakash Resident of Village - and P.S.- Shahpur, Distt.- Patna., Presently residing at House of Rahul Kumar Rasjapur, Mainpura, P.S.- Patliputra, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 05.04.2021, seeks regular bail in connection with Ram Krishna Nagar P.S. Case No. 136 of 2021 registered for offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

Prosecution case, in brief, is that the informant alleges that on 29.03.2021 his sister, aged 14 years, along with her friend went to the house of this petitioner. His sister's friend informed that the sister of the informant was not willing to come



back her home and wants to marry with the petitioner. Accordingly, a case of kidnapping of his sister for marriage was lodged.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the occurrence is of 29.03.2021 whereas the F.I.R. came to be instituted on 04.04.2021 thus there is a delay of five days in lodging of F.I.R. without any reasonable explanation. Learned counsel further submits that the informant's sister has not supported the prosecution case and in her statement made under Section 164 Cr.P.C. she has stated that she had gone to her aunt's place without informing anyone in the family and had stayed there in the night and this petitioner is son of her aunt and had no role in her alleged kidnapping.

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

Considering the above mentioned facts and circumstances of the case, taking into consideration the submission made by the petitioner that both the parties now do not want to proceed with case, as such, without going into the merits of the case, this Court directs the Court below to take



statement of the victim girl, mother of the victim, father of the victim and all the witnesses, the Court below without being prejudiced with its earlier order dated 02.07.2021, shall pass a fresh order on the basis of material available on record and the statement recorded of all the evidence on record before him pass a fresh order.

Accordingly, the present bail application is disposed of.

Purnendu Singh, J)

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