

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47760 of 2021**

Arising Out of PS. Case No.-654 Year-2019 Thana- BAGHA District- West Champaran

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BABU MISHRA @ ADITYA MISHRA @ ADIL MISHRA S/o
Chandraprakash Mishra R/o Village-Rampur Sakraul, P.S.-Shikarpur, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Bagaha (Patkhauri) P.S. Case No. 654 of 2019 instituted for the
offences under Sections 363, 366(A), 120(B) of the Indian Penal
Code read with Section 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.12.2019, is a person with clean
antecedent and charge-sheet has been submitted in this case.

Allegation is of kidnapping the minor daughter of the
informant by the accused persons.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case and the victim has filed an affidavit claiming to be 21 years of age and in her statement under Section 164 Cr.P.C. has not even remotely supported the prosecution case. Learned counsel further submits that it absolutely stands to reason that even a minor who has reached the age of discretion and makes statement in favour of the accused then also how the bail is rejected.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and the victim has not even remotely supported the prosecution case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Bagaha (Patkhauli) P.S. Case No. 654 of 2019.

(Satyavrat Verma, J)

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