

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44935 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- KHAIRA District- Saran

NANDAN KUMAR @ NANDAN MANJHI Son of Supan Manjhi Resident
of Village - Jagdishpur, P.S.- Khaira, Dist.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Murli Dhar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 02.02.2021,
seeks regular bail in connection with Khaira P.S. Case No. 356
of 2020 for the offence punishable under Sections 363, 366/34
of the Indian Penal Code.

The prosecution case, in brief, is that informant is the
Chowkidar, whose daughter was missing. On search, he was
informed that the present petitioner has boarded her daughter at
Khaira bazar with the help of other accused persons named in
the F.I.R. Upon search, she was recovered after two months and
five days of her kidnapping.



Learned counsel appearing on behalf of the petitioner submits that the victim and the petitioner were in love relationship and from perusal of the victim's statement under Section 164 Cr.P.C., it appears that she has not made any allegation of physical assault or sexual assault with the victim, rather, the allegation of assault has been made against three other co-accused Rita Kumari, Laxmina Devi and Shiv Kumari, who are her villagers, forcibly put vermilion on her forehead and took photograph of petitioner. The petitioner has clean antecedent and he is in custody since 02.02.2021.

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

Considering the aforesaid facts and circumstances of the case, prima facie, from the F.I.R. it appears that victim girl was kidnapped on 01.12.2020 by the accused persons, including the petitioner, and the F.I.R. was lodged on 04.12.2020. The victim after coming back to her parental house gave her statement under Section 164 Cr.P.C. on 03.02.2021. Considering the specific statement of the petitioner made in paragraph Nos. 8 and 9 of the bail application, the victim and the petitioner are in love affairs and they are ready to live together. The learned trial Court is directed to record the



statement of the victim girl, if already not recorded, as well as the statement of mother and father (informant) of the victim and the petitioner and all the other necessary witnesses and after recording their statements, if the Court below finds it proper in facts and circumstances of the case, shall pass necessary order in accordance with law, preferably within a period of three months, without being prejudiced by his earlier order dated 28.04.2021.

If the Court below is *prima facie* satisfied to release the petitioner on bail, the petitioner, above named be released on bail on such terms and conditions as the Court below may deem fit and proper.

Accordingly, with the aforesaid observation and direction, the present application filed on behalf of petitioner is disposed of.

(Purnendu Singh, J)

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