

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36919 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- RAFIGANJ District- Aurangabad

Sallu Sharma @ Sallu Kumar@ Mukesh Kumar Son of Kamta Sharma
Resident Of Village- Rukumchak, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Rafiganj P.S.
Case No. 150 of 2022 registered for the offence under Sections
366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.05.2022.

The allegation against the petitioner is to kidnap the minor
daughter of the informant for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that the occurrence is founded over love affairs and is not a
case of kidnapping. It is also, categorically, submitted that victim did
not support the occurrence of kidnapping, through her statement as



recorded under Section 161 and 164 of the Cr.P.C. It is submitted that there is no any allegation appears to suggest sexual assault/abuse against this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the victim did not support the occurrence of kidnapping and sexual assault through her statement.

Considering the facts and circumstances as mentioned above, as allegation of sexual assault and kidnapping is not appears in view of statement of victim against this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rafiganj P.S. Case No. 150 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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