

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43173 of 2022**

Arising Out of PS. Case No.-83 Year-2019 Thana- BAKHTIYARPUR District- Patna

Rakesh Kumar S/o Pushpendra Singh @ Pushpendra Kumar Singh R/o  
village- Dedaur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rabindra Kumar, Advocate.  
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH  
ORAL ORDER**

2      23-11-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned counsel for the petitioner and the learned  
APP for the State.

Petitioner seeks regular bail in connection with  
Bakhtiyarpur P.S. Case No. 83 of 2019 registered for the offence  
punishable under Section 366(A) of the Indian Penal Code.

As per the prosecution, the informant's daughter aged  
about 14 years was kidnapped by this petitioner with other co-  
accused persons.

The main submissions advanced by learned counsel Mr.  
Rabindra Kumar appearing for the petitioner are that the petitioner  
has clean antecedent and has been languishing in jail since  
26.02.2022 and the victim has been recovered and against the



petitioner the investigation has been completed and similarly situated co-accused Prince Kumar has been granted bail by this Bench vide order passed in Cr. Misc. No. 32774 of 2022.

Learned APP Mr. Syed Ehteshamuddin appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the petitioner's custody period and also the fact that the so-called victim who has been recovered, has not revealed the name of this petitioner as being involved in the alleged crime of her kidnapping, though according to her statement some co-accused persons who were involved in the alleged crime had their faces covered at the time of alleged occurrence but the said fact is completely contradictory to the facts and allegation made in the FIR lodged by victim's mother who claimed herself to be the eye-witness of the alleged occurrence, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court in connection with Bakhtiyarpur P.S. Case No. 83 of 2019.

**(Shailendra Singh, J.)**

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