

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43846 of 2022

Arising Out of PS. Case No.-156 Year-2018 Thana- DEWARIA District- Muzaffarpur

Amit Kumar @ Ameet Kumar, Son of Kedar Thakur, Resident of Village -
Brahampura Khakhan, P.s.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Deoriya P.S. Case No. 156 of 2018 registered
for the alleged offences under Sections 365, 366 and 34 of the
Indian Penal Code.

As per prosecution case, 18 years old daughter of
the informant went missing and on inquiry, the informant came
to know that her daughter was kidnapped by the petitioner with
the help of his parents and his sisters.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this

case. There was love affair between the petitioner and the victim girl and the victim girl went out on her sweet will with the petitioner. The victim girl returned to her house and her medical examination was done and no sign of sexual assault was found. In her statement recorded under Section 161 Cr.P.C. the victim girl stated that petitioner along with one unknown person had taken her away on a motorcycle. There is delay of five days in lodging the F.I.R. for which there is no explanation. As the victim girl returned herself, it cannot be said that she was kidnapped. Charge sheet has been submitted in this case and the petitioner is in custody since 10.03.2022. The petitioner has got clean antecedent.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that victim girl is a major and there appears voluntary act of the victim girl in leaving her house and further considering the submission of charge sheet against him along with his period of custody and the clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount

each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Deoriya P.S. Case No. 156 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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