

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55094 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- JANDAHA District- Vaishali

Mahaveer Kumar Das S/o Moti Das R/o Village-Salha, P.S-Desari (Sahdei O.P), District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.Ii, Advocate
For the Informant	:	Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Syed Ehteshamuddin, learned A.P.P. for the State.

The petitioner seeks bail in connection with Jandaha P.S. Case No. 18 of 2021 instituted for the offences under Sections 366(A), 120(B), 379 and 323 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner, at the outset, submits that the present F.I.R. arises from a complaint petition filed under Section 156(3) of the Cr.P.C.

Learned counsel for the petitioner submits that the



informant alleges that his minor granddaughter, aged about 13 years, was kidnapped by the petitioner with the help of named accused persons and when informant went to the house of the petitioner to inquire, the parents of the petitioner became aggressive. Further, it is alleged that the informant came to know that the victim was kept in the house of Anil Das, accordingly the police was informed but the case was not registered, hence the complaint was filed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the petitioner and the victim were in love and as such earlier also they had tried to elope but could not succeed. Learned counsel further submits that since earlier the victim had tried to elope with the petitioner, as such the informant was harbouring grudge against the petitioner and his family members and very wisely this time implicated the petitioner and his family members by filing a complaint case alleging that the police did not institute an F.I.R. when the informant approached the police informing that her minor granddaughter has been kidnapped. Learned counsel submits that present complaint case came to be instituted after the victim was recovered but the entire F.I.R. is completely silent as to how the informant came to know that



victim was in the house of Anil Das. Learned counsel further submits that if the informant had information regarding the victim that she was in the house of Anil Das, then definitely the said information would have been given to him by someone but the F.I.R. is completely silent on the said fact which amply demonstrates that the informant taking advantage of the minority of his granddaughter, has tried to falsely implicate the petitioner along with his entire family members.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but the learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that as to why the complaint came to be filed after the victim was recovered, why no action was taken when police did not institute an F.I.R. when the informant had approached the police station. Further, there is absolutely nothing in the F.I.R. to even remotely suggest that how the informant got information that victim was confined in the house of Anil Das.

Considering the fact that the petitioner is in custody since 12.03.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for



the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Jandaha P.S. Case No. 18 of 2021.

(Satyavrat Verma, J)

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