

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56831 of 2021**

Arising Out of PS. Case No.-15 Year-2021 Thana- DEOKUND District- Aurangabad

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Basant Pandey @ Basant Kumar Pandey Son of Mr. Badri Pandey Resident of
Village - Ekauni, P.S.- Daud Nagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Mr.Nilesh Kumar
For the Opposite Party/s :		Mr.Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 24-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the
offence under Section 363, 365 of the Indian Penal Code.

F.I.R. was lodged against unknown for missing of
daughter of the informant. During course of investigation, the
victim girl in her statement recorded under Section 161 Cr.P.C.
has stated that her brother-in-law (petitioner) and his friend Raju
Pandey had come to attend the marriage, where they called her
and forcibly got her seated in the vehicle and subsequently, her
brother-in-law got down and his friend took her to Ranchi and
kept her in a hostel for seven days. Thereafter, her father and
brother came there, where she was kept confined, and no one
has committed any wrong with her. But, in the statement



recorded under Section 164 Cr.P.C., the victim girl has stated that this petitioner alongwith his friend took her to Ranchi and kept her confined there for seven days.

Learned counsel for the petitioner submits that there is difference in both afore-referred statements. In statement recorded under Section 161 Cr.P.C., the victim states that petitioner got down from the vehicle and co-accused Raju Pandey took her to Ranchi, whereas, in statement recorded under Section 164 Cr.P.C., she states that both accused took her to Ranchi and kept her confined there for seven days. The victim girl has not alleged any wrong against her. The age of the victim has been assessed between 17 – 19 years. Petitioner has got clean antecedent and he is in custody since 04.07.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the fact that victim girl has already returned to her house and there is no allegation of sexual assault as well as clean antecedent and period of custody of petitioner, the prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Daudnagar,



Aurangabad in connection with Deokund P.S. Case No. 15 of
2021.

(Prabhat Kumar Singh, J)

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