

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48817 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- BIND District- Nalanda

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ASHISH KUMAR @ AASHISH KUMAR, S/o Arvind Raut, Resident of
Village- Sare, P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

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

3. The petitioner seeks bail in connection with
Bind P.S. Case No.82 of 2022 registered for the offences
punishable under Sections 362 and 366(A) of the Indian Penal
Code.

4. It is alleged in the F.I.R. that informant's
minor daughter aged about 16 years has been kidnapped by the
petitioner for marriage.

5. Learned counsel for the petitioner submits
that the petitioner has no criminal antecedents. He has remained
in custody now since 17.07.2022. The victim's statement



recorded under Section 164 Cr.P.C. (Anneuxre-2) does not contain any allegation of any kind of coercion against the petitioner. From the statement it is evident that the victim has claimed to be 17 years of age, and not 16. She has claimed that on her own volition she has gone along with the petitioner and after her deposition has been recorded, she has gone to live with her parents for one year.

6. Learned APP has opposed the prayer for bail. It is submitted that petitioner is named accused and there is allegation that he has kidnapped the minor daughter of the informant.

7. Considering the rival submissions, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, 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 the learned Court of Pratik Sagar Judicial Magistrate 1st class Biharsharif, Nalanda, in connection with Bind P.S. Case No.82 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will



give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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