

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60097 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- PARBATTa District- Khagaria

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GULSHAN KUMAR Son of Chhito Muni Resident of Village - Sultanpur
Ward No.- 13, P.O.- Pipralatif, P.S.- Parbatta (Maraiya), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 72 of 2021 registered for the offence under
Sections 363/366(A)/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.04.2021.

The allegation against the petitioner is to kidnap
minor daughter of the informant with purpose of illicit
intercourse along with other co-accused persons, while she went
to attend her coaching class.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation against this petitioner as regard to kidnapping is very general and omnibus in nature in the background that informant is not the eye-witness of the present occurrence. It is also submitted that victim solemnized her marriage on her own will with main accused, namely, Suraj Kumar Thakur and this petitioner implicated for only reason that he was class-mate/friend of the main accused, who is otherwise a man of clean antecedent. It is also submitted that victim girl completely denied the factum of sexual assault against the petitioner, through her statement recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim girl denied the factum of sexual assault.

Considering the facts and circumstances as mentioned above, as victim girl denied the factum of kidnapping and sexual assault against this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Parbatta (Maraiya) P.S. Case No. 72 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Session Judge, Khagaria/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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