

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61155 of 2021**

Arising Out of PS. Case No.-403 Year-2019 Thana- TEKARI District- Gaya

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Dinanath Khatri Son Of Rajdeo Khatri R/O Village- Dulla Bigha, P.S.- Tekari,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No.2, Advocate
For the Informant	:	Ms.Anju Mishra, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 366A, 341, 323, 504, 506
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 03.12.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 15.08.2019, her minor daughter aged
about 16 and half years fled with the petitioner, thereafter the
informant searched her daughter but could not find her. It is
further alleged that during the course of search, the informant



came to know that the accused persons, including the petitioner, have kidnapped her daughter for some ulterior reason, accordingly the informant went to the house of accused Rajdeo Khatri and inquired about her daughter but the accused assaulted the informant with fist and slap and thus a complaint case dated 16.10.2019 came to be instituted.

Learned counsel for the petitioner submits that the present F.I.R. arises out of a complaint case instituted by the informant on 16.10.2019. Learned counsel submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the date of occurrence is 15.08.2019 and the complaint, for the first time, came to be instituted on 16.10.2019. Learned counsel submits that the victim *suo moto* appeared on 03.12.2020 and got her statement recorded under Section 164 of the Cr.P.C. and from perusal of the same it would manifest that she has not even remotely supported the prosecution case rather has made certain disclosures against the informant.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the complaint, for the first time,



came to be instituted nearly after about two months of the occurrence and also that the victim who had reached the age of discretion has not supported the prosecution case.

Considering the fact that the petitioner is in custody, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tekari P.S. Case No. 403 of 2019.

(Satyavrat Verma, J)

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