

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9144 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- SUGAULI District- East Champaran

SUJEET KUMAR SON OF CHANDRADEV RAM RESIDENT OF
AMBEDKARNAGAR, WARD NO 6, RAXAUL, POLICE STATION -
HARAIYA RAXAUL, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Adv.

For the Opposite Party/s : Mr.Md.Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks after resumption of the normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Sugauli P.S. Case No.225 of 2020, registered for the offence punishable under sections 363, 366(A), 380/34 of the IPC.

The crux of the prosecution case is that the daughter of the informant with Rs.2 Lacs and gold jewellery worth Rs.3 Lacs has been kidnapped by the petitioner. It is alleged that



when the informant went to the petitioner's house to bring his daughter back, the accused persons threatened him and did not return his daughter.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. He has been falsely implicated in this case due to previous enmity. There is an inordinate delay of 27 days in lodging the FIR, as the occurrence took place on 18.03.2020 but the FIR was lodged on 15.04.2020, without giving any proper explanation regarding the delay, which itself creates doubt about the prosecution case. It has come in the impugned order, that as per the medical board, the age of the victim is between 15 to 17 years. The statement of the victim was recorded under section 164 Cr.P.C., in which she has not taken the name of the petitioner as the person who kidnapped her nor has supported the prosecution case of kidnapping rather she has stated that she married with the petitioner and is aged about 19 years. She has also stated that she is living in her matrimonial house with her husband. It is further submitted that petitioner has no criminal antecedent, as such, he may be enlarged on anticipatory bail.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstance of the case, the above



named petitioner, in the event of his surrender/arrest before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Sugauli P.S. Case No.225 of 2020, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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