

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.65177 of 2021**

Arising Out of PS. Case No.-464 Year-2021 Thana- KUDHNI District- Muzaffarpur

Sonu Kumar @ Sunil Kumar Das Son Of Dhanraj Das Resident Of Village -
Kurhani Tola (Kurhani), Police Station - Kurhani, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kudhani (Kurhani) P.S. Case No. 464 of 2021 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code. He is in custody since 01.07.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that from the FIR itself it would appear that the victim girl is aged about 20 years. The allegation is that on 27.06.2021 at about 02:00 A.M. (during night hours) the petitioner, his father, his mother and brother along with some unknown persons entered into his house



and forcibly lifted away his 20 years old daughter. It is alleged that on hearing the cry of her daughter when he got awoken and tried to save her, some of the accused persons pushed him inside the room and locked the same. The informant alleged that his daughter has been taken away on a four-wheeler, he came outside from another door and told the story to his neighbours. They went in search of the petitioner but there was no one in his house.

Learned counsel submits that in this case the informant claims to have got knowledge about the entire occurrence at 02:00 A.M. but he went to the police station at 04:10 P.M. even though the police station is situated at a distance of two kilometers only.

Learned counsel further submits that the victim lady has been recovered. She has made her statement under Section 164 Cr.P.C. in which she has not named this petitioner. No indecent act whatsoever has been alleged against the petitioner and the petitioner has remained in custody for more than 10 months by this time, the investigation against him is complete and his presence may be secured in course of trial, therefore, he deserves privilege of bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner alleging that the petitioner is named in the FIR but this Court has noticed from the submissions as well as the statement made under Section 164 Cr.P.C.



(Annexure '2') that the victim girl has not at all named this petitioner in her statement and she has not alleged any indecent act, moreover she is 20 years old and in the given facts there seems to be some unreasonable delay in lodging the FIR as well, in these circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, West Muzaffarpur in connection with Kudhani P.S. Case No. 464 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

