

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64440 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- MADHAURAH District- Saran

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Anil Kushwaha Son of Bishwanath Singh Resident of Village - Pathra, P.S. -
Garkha, District - Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Morhowrah P.S. Case No. 207 of 2021, lodged under Sections
363, 366(A), 34 of the Indian Penal Code.

As per the prosecution case, the allegation of
kidnapping is there against the petitioner, his mother and father
with a view to marry with the informant's daughter.

Learned counsel for the petitioner submits that the
said occurrence took place on 07.04.2021 at about 6 'O' clock in
the evening but he said that F.I.R. has been lodged after delay of
about 6 days i.e. on 13.04.2021. He further submits that in this

case the victim has made accused to the entire family. He also submits that the alleged girl was recovered after 7 days of said occurrence. He further submits that from paragraph no.29 of the case diary, it transpires that the victim was recovered from the market at the time of purchase of goods and Mahila Police team have arrested the said victim and, therefore, she has recorded her statement under Section 164 Cr.P.C. wherein she has alleged that she went with petitioner after his misguiding statements. Learned counsel for the petitioner further submits that petitioner is in custody since 21.04.2021 having clean antecedent.

Upon specific query, that whether charge has been framed in this case or not, he has shown his inability to assure that whether charge has been framed in this case or not.

Learned counsel for the State opposes the prayer for bail and submits that the allegation of kidnapping is categorical against the present petitioner.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but liberty is hereby granted to the petitioner that he may renew his prayer for bail after two months of framing of charge before the Trial Court and Trial Court shall release him on bail after imposing conditions, so that he may not

evade during trial.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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