

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65014 of 2021

Arising Out of PS. Case No.-50 Year-2017 Thana- MAHESHKHUNT District- Khagaria

AKHILESH SINGH Son of Late Laddu Singh Resident of Khurhan, P.S.-
Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Advocate
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
as well as learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with
Maheshkhunt P.S. Case No. 50 of 2017 registered for the
offence under Sections 366 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.08.2021.

The allegation against the petitioner is to kidnap
married daughter of the informant, to compel her marriage
against her will, who is mother of three (3) children.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case due to local disputes and differences, where suspicion is founded over previous general and omnibus threat as advanced by co-accused persons including this petitioner. It is further submitted that despite of naming this petitioner, informant raised suspicion specifically against co-accused persons, namely, Nibha Devi and Sarita Devi, through her written complaint and not against this petitioner. It is also submitted that similarly situated co-accused person, namely, Panchanand Singh, has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 51468 of 2017 vide order dated 21.12.2017. It is also submitted that the call detail report of the victim is also not appearing, *prima facie*, incriminating this petitioner and it appears that during the course of investigation victim found with one unknown male in the village of Gangapur, District- Aurangabad, Maharashtra. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel



appearing on behalf of the informant, while opposing the prayer of bail submitted that victim is yet to recover.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where electronic/circumstantial evidence is also not suggesting any incriminating material, *prima facie*, to connect this petitioner with alleged occurrence 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 Maheshkhunt P.S. Case No. 50 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria/concerned court, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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