

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69446 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- TISIAUTA District- Vaishali

Chandan Kumar Son of Arun Rai @ Arun Roy Resident of Village - Harpur
Tara, P.s.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate
For the State : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Tisiauta
P.S. Case No. 4 of 2021 registered for the offence under
Sections 363 and 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.04.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant and further to sell her for the
purpose of prostitution, having allegation of rape.

Learned counsel appearing on behalf of the petitioner
submitted that mere suspicion was raised through F.I.R. against



this petitioner, as petitioner was in friendly relations with daughter of the informant. It is submitted that the allegation of pushing the daughter of the informant into the trade of prostitution, is specifically available against Kari Devi, Sardar Singh and Manisha Didi and not against this petitioner, as per the statement of the victim recorded u/s 164 of the Cr.P.C. It is submitted that, as per medical report, victim appears to be major, aged about 19 years, and she willfully joined the immoral practice against unexplained considerations. It is pointed out that maximum allegation, what raised against this petitioner by victim while recording her statement u/s 164 of the Cr.P.C., is of wrong behaviour, which cannot be contrued as rape, by any stretch of imagination, upon the victim. It is also submitted that, as petitioner could not help victim to rescue her from the captivity of co-accused persons, out of frustration, petitioner put under present false implication. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.



In view of the facts and circumstances, as mentioned above, as victim denied the allegation of selling her and also of rape against this petitioner, while recording her statement u/s 164 of the Cr.P.C. coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tisiauta P.S. Case No. 4 of 2021 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-I, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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