

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69603 of 2021**

Arising Out of PS. Case No.-488 Year-2021 Thana- AHYAPUR District- Muzaffarpur

SANJIT KUMAR Son of Asarfi Sahani Resident of Village - Tetri , P.S.- Piar,
Dist.- Muzaffarpur, Presently Reside at the House of His Nana Namely
Bindeshwari Sahani, Resident of Village - Sahbajpur, P.s.- Ahiyapur, Dist.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha, Advocate
For the Opposite Party/s	:	Mr.Anbzarul Haque Sahara, APP
For the Informant	:	Mr.Hari Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A, 504, 506 and 34
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 17.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 03.07.2021, his daughter had gone to
college but didn't return, a search was made and the informant
came to know that his minor daughter, aged about 17 years, had



been kidnapped by the petitioner with the help of Pramod, Asharfi and 2 sons of Asharfi for some wrongful purpose.

Learned counsel for the petitioner submits that from perusal of the F.I.R. it would manifest that the date of occurrence is 03.07.2021 and the F.I.R. has been instituted on 26.07.2021 i.e., after a delay of more than 24 days. It is further submitted that even the victim has not supported the prosecution case in her statement under Section 164 Cr.P.C. rather she has stated that she met the petitioner while she was going to college and thereafter she became unconscious and then when she woke up she found herself near a railway station thereafter she went to Haryana and there she stayed with the petitioner for nearly more than 30 days.

Learned counsel for the petitioner submits that from perusal of the statement of the victim under Section 164 of the Cr.P.C., it would manifest that the victim in a way has helped the petitioner by not alleging anything against him. It is not even alleged that it was petitioner who made her unconscious. Lastly, it is submitted that there is no plausible explanation for the delay in instituting the F.I.R.

Learned counsel for the informant and learned A.P.P. oppose the prayer for bail of the petitioner and submit that



victim is a minor.

Learned counsel for the petitioner rebuts the allegation and submits that victim had reached the age of discretion and was capable of taking decision and she understood the consequences of her action and considering the fact that she has not supported the prosecution case in her statement under Section 164 of the Cr.P.C., the petitioner deserves to be enlarged on bail.

Considering the fact that the petitioner is in custody since 17.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, there is an inordinate delay in instituting the F.I.R. without any plausible explanation and the fact that victim has not alleged anything contrary in her statement against the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No. 488 of 2021.

(Satyavrat Verma, J)

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