

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70325 of 2021

Arising Out of PS. Case No.-759 Year-2020 Thana- SARAIYA District- Muzaffarpur

KARAN KUMAR Son of Rama Shankar Sah Resident of Village - Jagiriya
Chauk Basra Kazi, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Saraiya(Jaintpur O.P.) P.S. Case No. 759 of 2020 ,registered for
the offences punishable under Sections 366(A) and 34 of the
Indian Penal Code.

As per prosecution case, petitioner is alleged to
have kidnapped the informant's daughter along with others.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.07.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that from bare perusal of FIR, it is evident that occurrence had taken place on 24.11.2020 but the FIR was lodged on 25.11.2020 and no sufficient explanation was given for the delay in lodging FIR. The counsel of petitioner submits that victim herself left the house went to the house of her maushi and she came to know about pendency of this case from petitioner. Nobody had kidnapped her and her age has been assessed as 16 years. He further submits that petitioner is innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner as well as statement of victim under Section 164 of the Cr.P.C in which victim did not speak anything against the present petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned A.C.J.M



IVth(West), Muzaffarpur in connection with Saraiya(Jaintpur O.P.) P.S. Case No. 759 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

