

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5535 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

BIRBAL KUMAR Son of Jamuna Paswan R/V- Jagadawandih, P.S- Sasaram
(M) Post Office- Karwandiya, Dist- Rohtas Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant of regular bail in connection with Sasaram (M) P. S. Case No. 457 of 2022 dated 14.09.2022 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant by enticing her.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The name of the petitioner has been dragged in this case on mere suspicion. Learned counsel has further submitted that the victim in her



statement recorded under Section 164 Cr.P.C. has stated that she was in love affair with the petitioner and she went to Gujarat of her own sweet will. Learned counsel has contended that she did not raise any alarm during the course of travelling to Gujarat. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.09.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court Concerned, Rohtas in connection with Sasaran (M) P. S. Case No. 457 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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