

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7094 of 2023

Arising Out of PS. Case No.-141 Year-2021 Thana- IMAMGANJ District- Gaya

Sanjay Kumar @ Sanjay Das @ Sanjay Kumar Das Son Of Rameshwar Das
R/V- Bageya, P.S.- Imamganj, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 363, 365, 341, 323,
379, 504, 506/34 of the Indian Penal Code.

It is alleged by the informant that petitioner
along with her cousin brother, namely, Vinay Kumar had
kidnapped her just after recording her statement under
Section 164 of Cr.P.C. against Dy.S.P. Kamal Kant and
took her to to the house of her maternal grand-mother.
Thereafter, they started torturing and assaulting her.



They also started pressurizing her to record her statement before the Court in favor of Dy.S.P. Kamal Kant that he had not done anything wrong with the informant. Hence, out of pressure and threat of life, the informant recorded her statement before the learned Court denying allegations as levelled against the Dy.S.P. Thereafter, the informant somehow managed to escape from the captivity of the petitioner and her cousin brother and filed the present F.I.R.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is full brother of the informant and he is also the informant of Mahila P.S. Case NO. 18 of 2022 which was lodged against the Dy.S.P. Kamal Kant alleging forceful sexual relationship with the present informant. Hence, it is highly improbable that he would pressurize the informant to record her statement in favor of Dy.S.P. in which the petitioner himself is the informant.



It is further submitted that the allegation of kidnapping and assaulting against the petitioner is beyond imagination and it appears that the present F.I.R has been lodged at the behest of the persons concerned who had vested interest in a case in which the petitioner was the informant and the present F.I.R. was lodged only with a view to pressurize the petitioner. Moreover, similarly situated co-accused, namely, Vinay Kumar has been granted anticipatory bail vide order dated 17.10.2022, passed in Cr. Misc. No. 8701 of 2022 by the co-ordinate Bench of this Court. The petitioner is languishing in judicial custody since 01.08.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on



bail in connection with Imamganj P.S. Case No. 141 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 the learned A.C.J.M., Sherghati, Gaya.

(Sunil Kumar Panwar, J)

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