

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11719 of 2023

Arising Out of PS. Case No.-443 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Sevan Kumar S/O Ram Singh R/O Village- Ayodhyabari, Ward No-1, P.S-
Muffasil (Lakho O.P), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

For the Informant Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Begusarai Muffasil P.S. Case No. 443 of 2022 registered on 22.08.2022 for the alleged offences under Section 366A of the Indian Penal Code.

3. As per prosecution case, the petitioner along with co-accused persons forcibly took away the minor daughter of the informant and when the husband of the informant went to enquire from the parents of the petitioner, they told him that the daughter of the informant was taken away by co-accused Rajkumar for the purpose of marriage.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable as the conduct of the brother-in-law of the informant is not normal in the circumstances as even after seeing the girl being forcibly taken away by the petitioner and co-accused persons, he did not raise any alarm. Thereafter, the FIR has been lodged after delay of nine days for which there is no satisfactory explanation. Learned counsel further submits that the allegation of offence under Section 366A IPC is not specific against this petitioner and it is general and omnibus against all the accused persons. Moreover, the petitioner did not entice away the victim and did not use any force and hence, no case under Section 366A IPC is made out against this petitioner. Learned counsel further submits that the informant has stated that her daughter was went away from her house and after lapse of some time and in order to falsely implicate the petitioner and others, the present case has been lodged. The petitioner is in custody since 15.11.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP and learned counsel for the informant oppose the prayer for bail submitting that the victim



girl is still traceless and the petitioner along with co-accused persons have been named by the informant for forcibly taking away minor daughter of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the conduct of the informant and her family members and also considering the fact that no specific material has come during investigation against this petitioner and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Begusarai Muffasil P.S. Case No. 443 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bonds of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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