

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14949 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- MAIN P.S. District- Gaya

TINKU KUMAR S/O MANKI SINGH R/v- Samsara, P.S.- Main (Paibigha O.P.), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Men P.S. Case No. 106 of 2022 instituted under Sections 363, 366(A)/34 of the Indian Penal Code lodged on 01.10.2022 by the informant Beby Devi.

As per the prosecution story, the informant- Baby Devi gave her written statement before S.H.O., Pai Bigha O.P. (Gaya) stating therein that her daughter Rani Kumari had gone outside the house on 27.09.2022 at about 6 P.M. in evening but did not return. Thereafter, she was searched but could not be found. Then informant gave her written statement. It is further alleged that her family member came to know that her co-villager Bholi Kumar has dropped her daughter on two wheeler from Paibigha Bazar to Makhdumpur Railway Station and



Tinku Kumar dropped her from Makhdumpur Station to Moghalsarai Station.

When Tinku Kumar was called on mobile, who told that she was dropped with Uttam Kumar for Gujarat who has taken her to his residence. Further allegation is that the accused persons allured her daughter Rani Kumari to left her house with some money, ornaments, Aadhar Card and Certificate. The informant has suspicion that the accused persons have kidnapped her daughter. Accordingly the FIR.

Learned counsel for the petitioner submits that his name has come only on the basis of suspicion. The girl herself left her home along with some cash amount and ornaments after which the FIR was lodged. Subsequently, she returned and in her 164 Cr.P.C. statement she has only stated that the petitioner helped her in going to Mugalsarai from where she wanted to go to Gujrat, but later stayed at Musafir Junction. Later she returned home. The learned Judicial Magistrate, Ist, Gaya has given her note that the girl was changing her statement time and again.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts the victim girl in her



164 Cr.P.C. deposition has not alleged any wrong doing and the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with with Men P.S. Case No. 106 of 2022 to the satisfaction of learned A.C.J.M.-II, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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