

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15377 of 2023

Arising Out of PS. Case No.-635 Year-2022 Thana- PATRAKARNAGAR District- Patna

SUNNY KUMAR S/O SRI SUDHIR YADAV R/O- RANIPUR PAIJWA,
P.S.- BYPASS, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari Singh, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Patrakarnagar P.S. Case No. 635 of 2022 registered for the offence
under Sections 366A of the Indian Penal Code.

The daughter of the informant is alleged to have been
kidnapped at the instance of the petitioner and others

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
initially petitioner has not been named in the F.I.R. but
subsequently his name come in the restatement of the informant
during course of investigation. He further submits that the
alleged date of occurrence is of 17.09.2022 whereas the F.I.R. has



been lodged on 15.10.2022 after lapse of 28 days without any explanation. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she was having love affair with one Chhotu and she left her house to perform marriage with Chhotu and She had been accompanied with Chhotu and Sunny who is said to be nephew of Chhotu. She has not clearly stated that she had been subjected to any sexual assault. She has not stated anything about the petitioner that he has committed any wrong with her. He further submits that no case of abduction is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.10.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Patna in connection with Patrakarnagar P.S. Case No. 635 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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