

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19459 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BANMANKHI District- Purnia

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Pritam Kumar Son of Sri Dilip Yadav Resident of village - Khutahari Ward
No.- 2, P.S.- Banmankhi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate.

For the Opposite Party/s : Mr. Asha Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Amit Kumar Anand, learned counsel for
the petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Banmankhi P.S. Case No.122 of 2022, registered for the offences punishable under Sections 363, 365, 34 of the Indian Penal Code.

It is alleged that in the night of 16.04.2022 the petitioner has kidnapped the minor daughter of the informant and fled away on a motorcycle. It is also alleged that other co-accused persons helped the petitioner in committing the alleged occurrence.

Learned counsel appearing on behalf of the petitioner submits that in fact a false case has been instituted only on a misconception that the victim had good relationship with the



petitioner and she was in love with him. However, when the statement of the victim was recorded, she has not even whispered against the petitioner regarding his involvement. Learned counsel for the petitioner further drawn the attention of this Court to the order passed by the learned lower Court below, wherein it is categorically stated that the statement of the victim was recorded under Section 164 of the Cr.P.C., however, she has not supported the allegation of kidnapping by petitioner rather she specifically stated that due to scuffle in between her and parents, in the night, she had gone to her grandmother house at Banmankhi by train and after living five days there, she came back along with her father. None of the witnesses during the course of statement have seen the victim along with the petitioner. He lastly submitted that the petitioner is a man of clean antecedent and the he also undertakes that he will fully cooperate in the investigation and he will not indulge in tempering of the evidence and intimidating of witnesses..

On the other hand learned APP for the State vehemently opposes the bail application and submits that the academic certificate of the victim discloses that she is minor, and the investigation is still going on.

Regard being had to the submissions made on behalf



of the parties and considering the statement of the victim recorded under Section 164 of Cr.P.C. as has been narrated in the impugned order as also the submissions made on behalf of the petitioner coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Purnea, in connection with Banmankhi P.S. Case No.122 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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