

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22638 of 2023

Arising Out of PS. Case No.-659 Year-2022 Thana- HISUWA District- Nawada

Rahul Kumar, S/o Dilip Thathera, Resident of Gaya Road, near Power House,
P.S.- Hisua, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Hisua P.S. Case No.659 of 2022 registered for the offence
punishable under Section 366-A of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 19.11.2022.

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 14 years for the
purpose of illicit intercourse/marriage.

5. It is submitted by learned counsel that the
petitioner has been falsely implicated with present case as his
love affairs with victim girl was not accepted by her parents
including the informant. It is submitted that after recovery, the



statement of victim was recorded under Section 164 of the Code of Criminal Procedure, where she categorically denied allegation of kidnapping and sexual assault rather she stated that she went on her own will with petitioner and solemnized her marriage with him. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as allegation of kidnapping and sexual assault are being negated by victim herself while recording her statement under Section 164 of the Code of Criminal Procedure, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.11.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nawada in connection with Hisua P.S.



Case No.659 of 2022, subject to the conditions as laid down
under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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