

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22569 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- HARSIDHI District- East Champaran

TARAK KUMAR S/O BULENA RAUT @ BUNDELA RAUT R/O Village-
Chintamanpur, P.S- Malahi, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 356 of 2022 registered for the offence
under Sections 366/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 24.01.2023.

4. The allegation against the petitioner is to kidnap
daughter of informant, aged about 23 years, while sleeping in
room with her two minor children.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was in friendly terms with
daughter of informant before her marriage and out of said
relation she went up to Delhi with petitioner on her own. It is



submitted that out of neighbourhood disputes and differences, present false case was lodged. It is further pointed out that if statement recorded under Section 164 of the Cr.P.C. of the victim be taken into consideration, she was at Delhi with petitioner for about one month in a rented room, which clearly implies that she out of her own consent went up to Delhi alongwith this petitioner and remained there for a month. It is also pointed out that the allegation of penetrative sexual assault is not appearing convincing, *prima facie*, from the statement of victim, as recorded under Section 164 of the Cr.P.C. It is further submitted that as per said statement petitioner came first to her parental home and as such tutoring cannot be ruled out as to implicate falsely. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, submitted that specific allegation of kidnapping is available against this petitioner.

7. Considering the facts and circumstances as mentioned above, as victim is a married lady, aged about 23



years, where her statement, *prima facie*, not suggesting any penetrative sexual assault coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Harsidhi P.S. Case No. 356 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

