

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22683 of 2023

Arising Out of PS. Case No.-353 Year-2009 Thana- BIDUPUR District- Vaishali

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Tinku Kumar @ Tinku Kumar Sah @ Manoj Sah S/O Late Rajkumar Sah
Resident of village- Singhara Ram Ray, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushma Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Bidupur P.S. Case No. 353 of 2009 registered on
02.11.2009 for the alleged offences under Sections 364, 366(A)/34
of the Indian Penal Code.

04. As per prosecution case, the minor daughter of the
informant was kidnapped by the petitioner and co-accused Uday
Kumar Sah with intention of marriage of the informant's daughter.
The petitioner and co-accused are cousin of the informant.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case



and he has not committed any offence. Petitioner is the brother of co-accused Uday Kumar Sah and the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein she has stated that the co-accused wanted to marry her forcibly. There is no allegation of any sexual assault against the petitioner. The Medical Board assessed the age of the victim to be 17 to 19 years. The recovery of the victim girl was made from the house of co-accused Uday Kumar Sah. In the aforesaid circumstances, no offence is made out against this petitioner, who is in custody since 09.01.2023. Learned counsel further submits that the occurrence is of the year 2009 and charge-sheet has been submitted in the year 2023. From the statement of the victim made under Section 164 of the Cr.P.C., it is not believable on the point that the victim girl was taken by train to Delhi and thereafter Rajasthan where she was kept for 20 days and thereafter she was brought back to her village and it is surprising that the victim did not raise any alarm during whole period. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail submitting that there is specific allegation against the petitioner and co-accused that they forcibly took away the daughter of the informant.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack



of material against the petitioner and doubt over the circumstances showing the involvement of the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 353 of 2009, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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