

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22987 of 2023

Arising Out of PS. Case No.-1370 Year-2022 Thana- PHULWARISHARIF District- Patna

NIKHIL PANDEY S/O ARVIND KUMAR PANDEY Resident of Village-
Durga Ram Bhawani Purva Tola Kota, P.S.- Bhawaniganj, District- Pratnagarh
(U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 14-07-2023
1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.
 2. Let the defect(s), if any, be removed within a period of four weeks from today.
 3. The petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 1370 of 2022 registered for the offence under Sections 366-A.
 4. The accused/petitioner is named in the F.I.R. and is in custody since 15.11.2022.
 5. The allegation against the petitioner is to kidnap the minor daughter of informant, aged about 14 years, for the purpose of illicit intercourse/marriage.
 6. Learned counsel appearing on behalf of the



petitioner submitted that victim girl, after recovery, record her statement under Section 164 of the Cr.P.C., where she completely negated the allegation of kidnapping and sexual assault rather she, on her own visited, Ahmadabad alongwith this petitioner with whom she became friendly through social media as 'Instagram'. 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation of sexual assault and kidnapping not available against this petitioner through statement of victim as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Phulwari Sharif P.S. Case No. 1370 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 Additional Chief



Judicial Magistrate-XIV, Patna/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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