

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23831 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Ritesh Kumar @ Nitish Kumar Son Of Rajesh Sahni Resident of village -
Sarwanichak, P.S. - Bochahan, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bochahan P.S. Case No. 16 of 2023 registered on 07.01.2023 for the alleged offences under Sections 363 and 366A/34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 164 of Cr.P.C. wherein she clearly stated that she has not been kidnapped and she went to visit her maternal uncle at



Rajsthan. The petitioner accompanied her. The police investigated the matter and submitted final form finding the case not true against the petitioner and co-accused persons on the ground of mistake of fact. The petitioner is in custody since 16.01.2023 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 of Cr.P.C. and also considering the lack of material against the petitioner and further considering the period of custody of the petitioner with clean antecedent and 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, Ist Class, Muzaffarpur (East), District – Muzaffarpur /concerned court in connection with Bochahan P.S. Case No. 16 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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