

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28382 of 2023

Arising Out of PS. Case No.-696 Year-2022 Thana- RAJGIR District- Nalanda

Kaushal Kumar Son Of Late Lal Babu Paswan Resident Of Village -
Gannipur, P.S. - Hilsa, Distt. - Nalanda.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Dayal, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 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 Rajgir
P.S. Case No. 696 of 2022 registered for the offence under
Section 367 of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 17.12.2022.

5. The allegation against the petitioner is to kidnap the
sister of informant aged about 26 years old in order to commit
her murder/engaged in slavery.

6. Learned counsel appearing on behalf of the
petitioner submitted that petitioner came acquainted with sister



of informant on 24.11.2012 when her mother was admitted in Jiwan Jyoti hospital, where he was working as a compounder. It is submitted that subsequently a friendly relation developed between petitioner and sister of informant, where a pressure was created to marry her sister and when the offer was refused by this petitioner, the present false case was raised without having any cogent materials. It is submitted that previous acquaintance and friendly relations can be gathered from statement of victim as recorded under Section 164 of the Cr.P.C. It is also pointed out that the allegation of sexual assault or physical assault causing grievous hurt or something which may suggest that sister of informant was kidnapped for slavery cannot be gathered from bare reading of statement of victim recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail submitted that there is specific allegation against this petitioner and he was identified from the CCTV footage. It is also submitted that sister of informant was recovered from the house



of this petitioner.

8. Considering the facts and circumstances as mentioned above and by taking note of statement of victim, who appears major aged about 26 years, as recorded under Section 164 of the Cr.P.C. suggesting her acquaintance with petitioner prior to this occurrence and also appears in regular conversation over telephone with petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.12.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Rajgir P.S. Case No. 696 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(I) That petitioner shall not interact with informant/victim during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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