

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29181 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- KISHUNPUR District- Supaul

CHANDAN KUMAR Son of Ugandeo Singh R/o Village - Mehada Shahpur,
P.S.- Cheriya Bariyarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 09.12.2021 and is a person with clean antecedent.

The informant alleges that his wife and son left home and thereafter went missing, thereafter even her phone was switched off and her location revealed that the last call she got was from an unknown number, thus alleges that the person who had called from unknown number had abducted his wife.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that it is not in dispute rather the petitioner admits that petitioner and the victim were in love prior to the marriage of the victim, but after her marriage petitioner was not in her contact, it is also submitted that out of the wedlock the victim also had a child but thereafter again the victim contacted the petitioner and wanted to meet him and accordingly had come to his house along with her child and this fact was in knowledge of the informant and this perhaps explains why the FIR came to be instituted fifteen days after the occurrence when the occurrence is alleged to have taken place on 21.08.2021 and the FIR came to be instituted on 06.09.2021 without any plausible explanation. Learned counsel further submits no doubt the victim has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. but then the same was under pressure of the informant. Learned counsel further submits that from the statement of the victim recorded under Section 164 Cr.P.C. it would manifest that she has stated that it was the mother of the petitioner who used to give her food which amply demonstrates that the entire family of the petitioner was living with him and the victim on her own sweet will had come to meet him, it is also submitted that as far as her statement is



concerned, where she has stated that there she was made unconscious while she was on train by an unknown person but then that also does not appear probable for the reason that if such an occurrence would have taken place then definitely the co-passengers would have informed the police.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kisanpur P.S. Case No. 170 of 2021.

(Satyavrat Verma, J)

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