

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31845 of 2023**

Arising Out of PS. Case No.-193 Year-2017 Thana- BIKRAM District- Patna

Rakesh Kumar @ Rakesh Kumar Pandit, S/o Siya Ram Pandit @ Sita Ram Pandit, Resident of Village- Navi Nagar, P.S. Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                               |
|--------------------------|---|-------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Pushpendra Priyedarshi, Advocate<br>Mr. Shiva Shanker Pd. Singh, Advocate |
| For the Opposite Party/s | : | Mr. Uday Pratap Singh, APP                                                    |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      21-06-2023                      Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Bikram P.S. Case No. 193 of 2017 registered for the offence under Section 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 21.07.2022.

The allegation against the petitioner is to kidnap the minor grand daughter of informant for the purpose of illicit intercourse/marriage while she went to market for purchasing copy.



Learned counsel appearing on behalf of the petitioner submitted that the present implication raised against this petitioner only for the reason that love affairs of petitioner with grand daughter of informant was not accepted by her parents. It is pointed out that even from the perusal of statement of victim as recorded under Section 164 of Cr.P.C., where she stating to remain with petitioner for long nine days, no sexual assault was made. It is also pointed out that fact and circumstances of this case is also doubting, allegation of kidnapping on its face. 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.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as allegation of sexual assault is not available as per statement of victim recorded under Section 164 of Cr.P.C., coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 21.07.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Bikram P.S. Case No. 193 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur, 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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