

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33512 of 2023**

Arising Out of PS. Case No.-258 Year-2022 Thana- ASHTHAWAN District- Nalanda

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Dhananjay Ram @ Dhananjay Kumar Son of Paras Ram Resident of Village-
Murgia Chack, Ps- Sare, Distt- Nalanda.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 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 Asthawan
P.S. Case No. 258 of 2022 registered for the offence under
Sections 363/365 and 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.03.2023.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about 13 years for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner falsely implicated with present case for



the reason that during the course of investigation, victim girl stated specifically that she went on her own sweet will with petitioner, denying the factum of kidnapping, whereas subsequently after few days when her statement under Section 164 of Cr.P.C. was recorded, she supported the allegation of kidnapping against this petitioner by denying the allegation of sexual assault. It is submitted that for all these days, till recording of statement of victim under Section 164 of Cr.P.C., the victim girl was with her parents and as such, the probabilities of tutoring cannot be ruled out. 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 of contradictory statement of victim as recorded under Section 161 of Cr.P.C. *qua* under Section 164 Cr.P.C., where allegation of sexual assault is denied, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection



with Asthawan P.S. Case No. 258 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 J.M. -2, Civil Court, Biharsharif, District- Nalanda/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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