

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33401 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- BUXAR District- Buxar

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DHANU KUSHWAHA S/o Tara Singh Kushwaha R/o Mohalla- Koirpurwa,
Ward No. 28, Buxar, P.S.- Buxar (Town), District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Subhash Pujari, Son of Palniwel Swami (Pujari), resident of Mohalla-
Kairpurwa, P.S.-Buxar (Town), District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
(Town) P.S. Case No. 150/2022 registered for the offences
punishable under Section 366 (A) of the Indian Penal Code and
later on charge sheet has been submitted under Section 04 of the
P.O.A. Act against the petitioner.

As per prosecution case, the petitioner has kidnapped
the minor daughter of the informant by act of inducement.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in this
case and has not committed any offence. The petitioner is



languishing in custody since 08.04.2022 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the petitioner has not committed any act of inducement as it is evident from the statement of victim recorded under Section 164 Cr.P.C. rather, the informant's daughter fled away with the petitioner on account of love affairs. He further submits that from perusal of the statement of victim, it appears that the learned court assessed her age about 17 years but in the medical examination the doctor has found her age between 18-19 years which is clear that the victim is major. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner has kidnapped the minor daughter of the informant.

Considering the facts and circumstances of the case, period of custody, statement of victim recorded under Section 164 Cr.P.C., it appears that no act of inducement was done by the petitioner, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both



sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I cum Special Judge SC/ST Act, (P.O.A. Act), Buxar in connection with Buxar (Town) P.S. Case No. 150/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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