

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35718 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- MANIHARI District- Katihar

Pintu Kumar Pandit Son of Narayan Pandit Resident of Kewala Dhala, P.S.-
Manihari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate Mr. Rishikesh Ojha, Advocate
For the Informant	:	Mr. Rananjay Kumar, Advocate Mr. Harish Chandra Patel, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 11-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned counsel for the complainant and the learned APP for the State.

Petitioner seeks regular bail in connection with Manihari P.S. Case No. 14 of 2022 dated 19.01.2022 registered for the offences punishable under Sections 363, 366(A), 376, 504, 506/34 of the Indian Penal Code.

As per the prosecution, the informant's minor daughter aged about 17 years was kidnapped by this petitioner



with the help of other accused persons and they kept the victim at the alleged place for three days. Further it is alleged that this petitioner also committed rape on the victim at the alleged place.

The main submissions advanced by the learned counsel for the petitioner are that admittedly the petitioner was tenant of the complainant, there was some dispute in between them and the allegation of kidnapping made by the complainant in her complaint petition is completely unbelievable as the petitioner and his father-in-law have been made accused and according to allegation petitioner's own father-in-law helped the petitioner in removing the victim which is not believable. Further submission is that as per the complaint based FIR the alleged occurrence took place on 23.06.2021 and three days after the occurrence the victim returned back and according to the prosecution the victim was taken by the petitioner and victim's statement was recorded on 22.01.2022 several months after the victim's recovery or victim's returning from the custody of the petitioner and during investigation the victim was medically examined on 22.01.2022 and as per medical expert's opinion she had undergone recent sexual intercourse while the victim had come back at her house on 26.06.2021 so the said



medical expert's finding goes against the prosecution's allegation and in the complaint petition the complainant herself accepted a dispute concerned to tenancy in between the petitioner and her and same was the reason to file the complaint petition with the false allegations.

The learned counsel appearing for the complainant has vehemently opposed the bail prayer and submitted that the police did not lodge the FIR at the beginning after the commission of the alleged occurrence hence, the complainant filed a complaint petition to get the FIR lodged and same was the main reason for delay in recording the victim's statement before the Judicial Magistrate as well as in medical examination of the victim and there is serious allegation against the petitioner who not only kidnapped the victim but also raped her and the said allegation has been supported by the victim herself in her statement recorded under Section 164 of Cr.P.C. It is further submitted that petitioner's trial has started and two witnesses including the victim have been examined.

Having regard to the facts and circumstances of this case and mainly the facts that admittedly in between the petitioner and complainant, who happens to be the mother of the victim, there was some dispute regarding the tenancy and



inordinate delay took place in producing the victim for recording her statement before the Judicial Magistrate and in the present time the petitioner is facing trial and the victim has been examined as prosecution witness as per submission made by learned counsel for the informant and petitioner has fair and clean antecedent as per statement made in this petition and he has been languishing in jail since 17.04.2022, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Manihari P.S. Case No. 14 of 2022.

(Shailendra Singh, J)

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