

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35463 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- KHODAWANDPUR District- Begusarai

BIRJU DAS @ BIRJU KUMAR DAS S/O SHIVJI DAS R/O Village-
Chhatauna, P.S- Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Khodawandpur P.S. Case No.299 of 2022 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 16.10.2022.

The allegation against the petitioner is to kidnap minor sister of informant, aged about 17 years, for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that both parties are relatives and it appears from statement of victim, as recorded under Section 161 and 164 of



the Cr.P.C. that she went with petitioner on her own sweet will for solemnizing marriage by negating the allegation of kidnapping and sexual assault, against this petitioner. It is further pointed out that alleged occurrence took place on 10.04.2022, whereas, FIR was lodged after delay of 06 months i.e. on 15.10.2022, without having any just explanation. 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 already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of statement of victim, where, she negates the allegation of kidnapping and sexual assault against this petitioner coupled with the fact that FIR was lodged with unexplained delay of six months, where, petitioner is in custody since 16.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Khodawandpur P.S. Case No.299 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 Additional Sessions Judge-I,



Begusarai/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

