

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36157 of 2023

Arising Out of PS. Case No.-616 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

AMIT KUMAR S/O SHAMBHU PRASAD SAH @ SHAMBHU SAH R/O
Village Chhoti Balia Bazar, Kiran Chitra Mandir Cinema Ke samne, P.S.
Lakhminiya, Dist. Begusarai, At present Baqrh (In lane of Santu Pan Dukan),
P.S. Barh, Dist. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Laheri P.S. Case No.616 of 2022 instituted under Section
366(A)/34 of the IPC lodged on 29.11.2022 by the informant
Bhagwan Das @ Bhagwan Prasad.

As per the FIR, informant-cum-father of victim is
renter of Ranvijay Prasad. On 28.11.2022 at about 3:00 PM., his
daughter, who is aged about 16 years, was kidnapped by the
petitioner-accused, Amit Kumar. He searched his daughter at his
own level but having failed to find her and fully convened that
petitioner accused Amit Kumar has kidnapped his daughter
upon with the help of co-accused persons Shambhu Prasad Sah
and Asha Devi, FIR was lodged.



Learned counsel for the petitioner submits that the victim girl is own sister of his 'Bhabhi' and further the fact remains that she was ill and as such had called her from her house but when the FIR was lodged the police came and recovered both of them whereafter he was arrested. The further categorical statement is that there is no allegation of physical assault on the girl. The last submission that he is in custody since 02.12.2022 (as stated in para-14 of the petition).

Learned APP opposes the prayer for bail.

Considering the fact that petitioner is a young person, has already remained in custody since 02.12.2022 do not have criminal antecedent and will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Laheri P.S. Case No.616 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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