

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38221 of 2023

Arising Out of PS. Case No.-1145 Year-2022 Thana- JAHANABAD District- Jehanabad

Sunil Kumar Mukharjee @ Guddu, Son of Bidyanand Singh, Resident of
Mohalla - Block Road, Tarengna, Masaurhi, Transformer No. 1, P.S.-
Masaurhi, Distt. - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Shrinandan Pd. Singh, Senior Advocate Mr. Kumar Sameer, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2023 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Jehanabad Town P.S. Case No.1145 of 2022 registered for
the offences punishable under Sections 363 and 366-A of the
Indian Penal Code.

3. The accused/petitioner is not named in the FIR and
is in custody since 07.04.2023.

4. Allegation against the petitioner is to kidnap the
minor daughter of informant for the purpose of illicit
intercourse/marriage.

5. It is submitted by learned senior counsel that the
petitioner is already a married person and, as such, there is no
occasion to kidnap the minor daughter of informant for the



purpose of marriage. It is submitted that the informant is step-mother of the victim and petitioner was also acquainted with victim girl prior to this occurrence. It is submitted that if the statement of victim as recorded under Section 164 of the CrPC be taken into consideration, it appears that this petitioner helped out victim for her education and get her admitted with local coaching institute. It is also pointed out that though statement of victim revealed that petitioner established physical relation with her but, nothing appears that same was against her will. It is submitted that victim appears major as her age after medical examination was determined as 21-22 years. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as statement of victim *prima facie* not appearing convincing that said physical relation as alleged was established against her will, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.04.2023, accordingly, the petitioner, above-



named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Town P.S. Case No.1145 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with victim or prosecution witnesses in whatsoever manner till conclusion of trial, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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