

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41262 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Raj Kamal Kumar @ Raj Kamal S/O Sudish Kumar @ Sudish Prasad Singh
Resident Of Village- Fatehpur Bala, P.S.- Musrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 31-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 363 and 366(A) of the

Indian Penal Code.

As per the prosecution case, the petitioner and three

unknown miscreants are alleged to have kidnapped the minor

daughter of the informant forcibly on the gun point. Earlier, the

informant had also lodged an FIR bearing Musrigharari P.S.

Case No. 183 of 2021 for kidnapping the said minor daughter of



the informant.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has submitted that earlier an FIR bearing Musrigharari P.S. Case No. 183 of 2021 was filed for kidnapping of the said minor daughter of the informant by the petitioner and final form was submitted in the said case in which the victim in her statement recorded under Section 164 of Cr.P.C. had clearly stated that no one had kidnapped her. After submitting the final form of the aforesaid case, the present case has been lodged against the petitioner. Learned counsel has further submitted that the FIR does not reflect that the victim was kidnapped forcibly to have illicit sexual intercourse with another person. The petitioner has one criminal antecedent which was lodged by the informant as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of the learned court of Additional Sessions Judge- VI cum Special Court (POCSO), Samastipur in connection with Samastipur Muffasil P.S. Case No. 54 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with following condition.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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