

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47221 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- DANIYAWAN District- Patna

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Pawan Kumar Son Of Shiv Shankar Mahto @ Shiv Shankar Prasad Resident
Of Village- Faridpur, Ps- Daniyama, Dist- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period

of four weeks from today.

3. The petitioner seeks bail in connection with

Daniyama P.S. Case No. 84 of 2023 registered for the offence

under Section 366 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is

in custody since 05.04.2023.

5. The allegation against the petitioner is to kidnap the

minor daughter of informant aged about 14 years for the

purpose of illicit intercourse/marriage.

6. Learned counsel appearing on behalf of the

petitioner submitted that petitioner was falsely implicated with



present case out of local disputes and differences. It is submitted that after recovery, the victim/daughter of informant was made her statement under Section 164 of the Cr.P.C., where she categorically stated that as her mother scolded her, out of said anger, she left her home on her own. It is further pointed out that the allegation of kidnapping and sexual assault as alleged through FIR, completely negated through statement of victim as recorded under Section 164 of the Cr.P.C. 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 been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as victim categorically negated allegation of kidnapping and sexual assault as alleged against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Daniyama P.S. Case No. 84 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate 1st Class,
Patna City, District- Patna/concerned Court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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