

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45686 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- SASARAM NAGAR District- Rohtas

DHANEJ KUMAR @ ANURAG PASWAN Son of Visheshwar Paswan
Resident of Village - Karamkila, P.S.- Baghaila, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nidhi Kumari Daughter of Hirdya Nand Singh Resident of Village - Karamkila, P.S.- Baghaila, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-02-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sasaram (T) P.S. Case No. 108 of 2022 registered for the offences punishable under Sections 366(A) of the Indian Penal Code.

As per prosecution case, petitioner kidnapped the informant's daughter with intention of marriage. It is further alleged that when informant's family members arrived



petitioner's house and enquired whereabouts of the victim, petitioner's family members stated that the victim fled away with a view of marriage. It is further alleged that petitioner's family members abused and insulted the informant and also threatened to lodge SC/ST case against the informant and her family members.

Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in FIR. He further submits that the allegation of kidnapping the minor girl with a view of marriage against the petitioner is false and fabricated. From the perusal of statement of victim recorded under Section 164 of Cr.P.C., it appears that the victim has not been kidnapped by the petitioner rather the victim joined the company of the petitioner voluntarily and petitioner has not induced the victim. Hence, the case under Section 366(A) of IPC is not made out against the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 04.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, from the statement of victim recorded under Section 164 of Cr.P.C. it appears that petitioner has not committed the act of inducement, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (T) P.S. Case No. 108 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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