

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47187 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- Sursand District- Sitamarhi

Amit Kumar Son Of Krishnandan Ray @ Krishn Nandan Yadav Resident Of
Village - Chingitakiya (Narha Kala), P.S. - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.05.2023, in connection with Sursand P.S. Case No. 171 of 2023, F.I.R. dated 02.04.2023 registered for the offences punishable under Sections 363, 366, 366(A) of the Indian Penal Code.

3. Allegation against the petitioner is that he and other co-accused persons kidnapped the informant's minor daughter aged about 12 years who had gone towards Mahadev Math for taking grass of animals.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner and other co-accused person namely Gautam Kumar had come and co-accused Gautam Kuamr shut her mouth along with the petitioner but she has not stated anything about the sexual assault against the petitioner and she also refused for her medical examination. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that petitioner and other co-accused person have abducted her but fairly submits that it appears from the statement of the victim that the petitioner has not committed anything wrong with the victim and victim has refused for her medical examination.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, 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, Pupri, District- Sitamarhi in connection with Sursand P.S. Case No. 171 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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