

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49665 of 2023**

Arising Out of PS. Case No.-618 Year-2022 Thana- JOGAPATTI District- West Champaran

RATNESH SHUKLA S/O LATE RADHAKISHUN SHUKLA R/O Village-
Chandraul, Ward No. 2, Nawalpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Yogapatti (Sanichari OP) P.S. Case No. 618 of 2022 registered
for the offence under Sections 366/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 30.04.2023.

4. The allegation against the petitioner is to
kidnap the daughter of the informant, along with other co-
accused persons/family members, on intervening night of
12.11.2022, where, victim appears to be major, as per FIR,

5. Learned counsel appearing on behalf of the



petitioner submitted that daughter of informant is major, as per FIR, who is married girl of 19 years and out of love affair, she went with petitioner out of her own will. It is submitted that even the narration of FIR not suggesting occurrence as kidnapping. It is further submitted by learned counsel that out of said love affairs, daughter of informant went up to Chandigarh with this petitioner and resided there for considerable period of time i.e. 15 to 16 days, where, alleged physical relation appears to established, out of consent of the victim. 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 already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, submitted that specific allegation is available against this petitioner.

7. Considering the facts and circumstances as mentioned above, as allegation of kidnapping is absence, as per FIR rather alleged that daughter of the informant went on her own from home coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 30.04.2023, let the petitioner,



above named, is directed to be released on bail in connection with Yogapatti (Sanichari OP) P.S. Case No. 618 of 2022, 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, Bettiah, West Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further condition:

“(i)That petitioner shall not interact with victim or any of the prosecution witnesses till the conclusion of trial, in whatsoever manner, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii)Accused/Petitioner shall cooperate 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 of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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