

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49124 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- GORAUL District- Vaishali

ABINASH KUMAR Son of Zimdar Rai Resident of village - Piroi, P.S. -
Goraul, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Mrs. Priyanka Kumari, Advocate Mrs. Kumari Rupa, Advocate
For the Opposite Party/s :		Mr. Ajay Veer, Advocate Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.05.2023 in connection with Goraul P.S. Case No. 181 of
2023, F.I.R. dated 10.05.2023 for the offences punishable under
Sections 363, 366 of the Indian Penal Code.

3. As per F.I.R. the informant Anil Kumar stating
therein that his daughter Saloni Kumari aged about 17 years
along with her mother went to visit Vishnu Mahayag to Kuru
Gaon Chhitrauli Laxmi Chawk on 09.05.2023 at 06:00 P.M.
evening and his daughter disappeared. Later on he came to
know that some boys kidnapped his daughter in which Abinash



Kumar and other co-accused persons are involved and all these boys have kidnapped Saloni Kumari.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that after filing of present F.I.R. the petitioner and victim have suo-moto appeared before the concern police station and statement of the victim girl was recorded under Section 161 Cr.P.C. and 164 Cr.P.C. in which she has categorically stated that due to her own sweet will she has gone with the petitioner and she has not informed the family member and she has not stated anything about the sexual assault and she has refused for her physical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation that he has abducted the daughter of the informant and there is



sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence but fairly submits that the victim has not stated anything wrong about the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- I, Vaishali at Hajipur in connection with Goraul P.S. Case No. 181 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 witnesses, 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 antecedent, 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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