

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50097 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- CHAKAND District- Gaya

OMKAR KUMAR S/o Sudama Vishwakarma @ Sudama Prasad Mistry
Resident of Village- Nehalpur Shekhpura, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chakand
P.S. Case No. 113 of 2022 registered for the offence under
Sections 363 and 366(A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.06.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit
intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was falsely implicated in this case out



of local disputes and differences. It is also submitted that petitioner helped the victim, when she became senseless on the gate of her school and ensured all his support for required treatment/medical help. It is further submitted that no allegations as regard to sexual assault appears from the bare perusal of statement of victim 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.

Learned APP, while opposing the prayer of bail fairly conceded that the allegation of sexual assault cannot be gathered from the statement of victim as recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as allegation, as regard to sexual assault is not available in the statement of victim recorded under Section 164 of the Cr.P.C., coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chakand P.S. Case No. 113 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 Judicial Magistrate-1st Class, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-
Veena/-

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