

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53496 of 2022

Arising Out of PS. Case No.-513 Year-2021 Thana- DUMRA District- Sitamarhi

SHIVSHARAN RAI @ SHIVU Son of Kapil Rai @ Kapal Ray R/V-Simra,
ward no. 4, P.S- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh. APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Dumra
P.S. Case No. 513 of 2021, registered for the offences
punishable under Sections 363 and 366(A) of the Indian Penal
Code.

As per the prosecution, informant alleged that her
seventeen years old daughter was kidnapped by unknown
person with malice intentions.

The main submissions advanced by petitioner's counsel
are that the petitioner has been languishing in jail since
07.03.2022 having fair and clean antecedent, the victim has
been recovered and she denied to undergo medical examination
and her statement was not recorded under Section 161 of Cr.



P.C. and she was produced before the Judicial Magistrate concerned on 11.01.2022 for recording her statement under Section 164 of Cr.P.C. but the victim denied to record her statement on account of undue pressure allegedly made by this petitioner but just one day after that disclosure she appeared on 12.01.2022 and recorded her statement before the Judicial Magistrate and made specific allegation of abduction against the petitioner. Further submission is that as per FIR there was no eye-witness of the alleged occurrence and in the FIR there is no specific allegation against the petitioner and the FIR was lodged after the delay of four days from the commission of the alleged occurrence of abduction.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the seriousness of the allegation appearing from the FIR and victim's statement recorded before the Judicial Magistrate in which she made specific allegations of abduction and hostage against the petitioner, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

The petitioner may renew his prayer for bail after the examination of victim before the Trial Court, if in the next nine



months the victim is not produced and examined by the prosecution then the petitioner will also have the liberty to renew his prayer for bail.

(Shailendra Singh, J.)

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