

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53256 of 2022

Arising Out of PS. Case No.-337 Year-2022 Thana- KANTI District- Muzaffarpur

PRABHAT KUMAR CHAUDHARY @ PRABHAT KUMAR Son of Ram
Sahay Chaudhary Resident of Village - Ghosi Chhapara, P.S.- Kanti, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Shrivastava, Advocate
Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Kanti
P.S. Case No. 337 of 2022 registered for the offences punishable
under Sections 363, 366 of the Indian Penal Code.

As per the prosecution, the informant's minor
daughter aged about 13 years went missing on the alleged date
and time and thereafter the informant received a phone call
from her daughter (victim) stating that she was safe. Further, it
is alleged that the informant again received a threatening call
from the alleged phone number which is said to be belong to
this petitioner.

The main submissions advanced by the learned



counsel for the petitioner are that the allegations made in the FIR are totally false, in fact the so-called victim who is a neighbour of this petitioner voluntarily left the house of her parents along with this petitioner and one other person and when she was in the company of this petitioner, she called her father by using a mobile number which belongs to this petitioner and in that call she revealed that she was safe and thereafter as per FIR, second call was made by the victim by using another mobile number but the said number does not belong to this petitioner. Further submission is that the victim has been recovered and she has recorded her statements under Sections 161 and 164 of Cr.P.C. but she revealed contradictory stories in both the statements particularly with regard to the date of commission of the alleged occurrence and there are several discrepancies in the said statements and her statement recorded under Section 164 of Cr.P.C. is a tutored statement. Further submission is that petitioner has been languishing in jail for more than nine months having fair and clean antecedent and he is ready to follow all the conditions, if the same are imposed upon him while considering his bail prayer. Further submission is that the victim denied to undergo medical examination after her recovery and she did not make any complain regarding any



ill-behaviour on the part of this petitioner.

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

Heard both the sides, perused the FIR as well as case diary of this case. Considering the seriousness of the allegation appearing against the petitioner from the victim's statement recorded under Section 164 of Cr.P.C. in which she made specific allegation of kidnapping of her committed by this petitioner and the victim is admittedly a neighbour of this petitioner and she is minor also, I am of the view that the petitioner does not deserve to privilege of bail. Accordingly, his bail prayer stands rejected.

Petitioner may renew his bail prayer after the examination of the victim in the petitioner's trial and if the victim is not examined as a witness in the next six months after the framing of charge, then the petitioner may also have a liberty to renew his bail prayer.

(Shailendra Singh, J)

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