

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55699 of 2022

Arising Out of PS. Case No.-368 Year-2021 Thana- SONBERSA District- Sitamarhi

Bittu Kumar S/o Badri Thakuri Resident of Shahpur Shitalpati, P.S.- Sahiyara,
District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwari, Adv.
		Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s :		Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-02-2023 Heard Mr. Ajay Kumar Tiwari, learned counsel
appearing on behalf of the petitioner and Mr. Nand Kumar,
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Sonbarsa P.S. Case No. 368 of 2021
registered for the offences punishable under Sections 363 and
366A of the Indian Penal Code.

As per the prosecution case, the informant alleged
that on 29.12.2021, her minor daughter had gone to somewhere
but did not return. On search, she came to know that her
daughter has been kidnapped by the petitioner on the



inducement of marriage and he was taking her to Nepal, in the meantime, he was apprehended by S.S.B. Police force at the border.

Learned counsel appearing on behalf of the petitioner submits that from reading of the statement of the victim recorded under Section 161 Cr.PC. and further statement under Section 164 Cr.PC., it is evident that there is no allegation against the petitioner of any overt act or inducement and, in fact, it is a case of love affair and both the petitioner and the victim girl were moving in a market where they were apprehended by the S.S.B. Police force and, thereafter, this FIR has been instituted by the mother of the victim alleging that the petitioner had taken away her daughter to Nepal. He further submits that even as per the statement recorded under Section 164 Cr.PC., it is stated by the victim girl that she was going along with *fufa* of the petitioner, as both the petitioner and the informant are distant relative. He next submits that the petitioner is a man of fair antecedent and is in custody since 29.12.2021 and after completion of the investigation, charge-sheet has already been submitted.

Learned counsel for the State opposes the bail application and submits that the victim is a minor girl and from



the materials available on record, it appears that the petitioner was trying to take away the victim to Nepal for the purposes of solemnization of marriage.

Regard being had to the submissions made on behalf of the parties and considering the statements recorded under Sections 161 and 164 Cr.PC., wherein no allegation has been levelled against the petitioner regarding any inducement or enticement coupled with his fair antecedent and period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 368 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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