

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61687 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- DANIYAWAN District- Patna

NITISH KUMAR Son of Chandra Bhusan Prasad R/V- Sigariyanwa, P.S-
Shahjehanpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 363 and 365 of the
Indian Penal Code.

3. As per prosecution case, some unknown person
kidnapped the daughter of the informant.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and
during investigation, victim recovered and her statement
recorded u/s 161 before Investigating Officer, which is
mentioned in para-20 of the case diary, wherein she stated that
she fall in love with the petitioner and solemnized marriage in a



temple, thereafter, her statement recorded u/s 164 of the Cr.P.C., in which she stated that one boy came and taken away her in his house, where he committed wrong with her. She further stated that she does not know him and again she stated that her mother told her name Nitish Kumar (petitioner). There is a major contradiction between the victim statements recorded u/s 161 and 164 of the Cr.P.C. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.02.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Daniyawar P.S. Case No. 06 of 2022.

(Sunil Kumar Panwar, J)

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