

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71606 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- BAHERI District- Darbhanga

Bechan Ram, S/o Suresh Ram R/o Village- Dying, P.S- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
		Mr. Sanjeev Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Baheri P.S. Case No. 129 of 2022 registered for the offence under Section 366(A)/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is in custody since 24.08.2022.

5. The allegation against the petitioner is to kidnap the minor daughter of informant aged about 15 years alongwith other co-accused persons/family members for the purpose of illicit intercourse/marriage.



6. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner is the elder brother of main co-accused, namely, Rohit Kumar, against whom the thrust of allegation as regard to kidnapping is available as per narration of FIR. It is submitted that even the victim girl recovered while making her statement under Section 164 of Cr.P.C., not made any incriminating statement against this petitioner, rather she stated that she out of her own sweet will married with main co-accused, namely, Rohit Kumar. 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.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as implication of this petitioner appears only for the reason that he is the elder brother of main co-accused, namely, Rohit Kumar, where victim not stated anything incriminating against him through her statement recorded under Section 164 of Cr.P.C., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.08.2022, accordingly,



petitioner above named, is directed to be released on bail in connection with Baheri P.S. Case No. 129 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 Additional Chief Judicial Magistrate-VII, Darbhanga/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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