

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3581 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- GANDHIMAIDAN District- Patna

Navin Kumar @ Aryan, Son of Bhushan Prasad @ Shashi Bhushan Prasad
R/v- Gauri, P.S.- Chandi, District- Nalanda, Presently resides at Shanti
Market, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pranav, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gandhi Maidan P.S. Case No. 493 of 2022
registered for the alleged offences under Sections 363, 366(A)
and 365 of the Indian Penal Code.

As per prosecution case, the minor daughter of the
informant went missing after her final examination of Class-X.
During investigation the name of the petitioner transpired as the
person who took her away.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case. The allegations are based on presumption and the victim girl was neither kidnapped nor she was secretly confined. The victim girl along with her other friends and this petitioner went to Delhi and Haryana making a plan for touring the places. The statement of the victim girl along with other girls who went with her and other friends on this trip were recorded under Section 161 of the Cr.P.C. as well as under Section 164 of the Cr.P.C., the victim girl has clearly stated that three girls and two boys went to Delhi and Panipat. There has been no complaint about any mis-deed on part of the petitioner. The same facts were narrated by other girls who went with this victim girl and the petitioner. The petitioner is also a student of diploma course and is having no criminal history. Charge sheet has been submitted in this case and the petitioner is in custody since 09.08.2022 and he is aged 18 years.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the victim girl is a minor and petitioner enticed her away.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is also a boy of tender age and further considering lack of substantive material for the offence as



alleged and also considering the statement of victim girl which does not inculcate the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Patna in connection with Gandhi Maidan P.S. Case No. 493 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Daya/-

U		T	
---	--	---	--

