

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5205 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- KANTI District- Muzaffarpur

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Dilip Kumar @ Dilip Mahto Son of Late Dinesh Mahto R/o vill - Godain
Fulkahan, P.S. - Kanti, Distt. - Muzaffarpur Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr.Mukesh Kumar, Advocate

For the Opposite Party : Mr.Sanjay Kr Pandey, A.P.P.

Mr. Alok Kr.Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-09-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 363, 366A/34 of the
Indian Penal Code.

3. As per the prosecution case, daughter of informant
namely Khushaboo Kumari and niece namely Sundari Kumari went
missing since 21.06.2023 from her house. Informant alleges that she
tried her best to search them and during this transaction she came to
know that her neighbours, namely, Pujan Kumar, Kushami Devi
and Devkal Devi have kidnapped daughter and niece of the informant
with the intention to marry.

4. Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in this
case. He is not named in the FIR. Learned counsel submits that
as per the prosecution case, petitioner along with other accused



persons kidnapped two girls, namely, Khushbu Kumari (17 Years) and Sundari Kumari (17 years), but these two victims, in their section 164 Cr.P.C. statements, have made contradictory statements. Victim Khushaboo Kumari has stated that she along with her sister Sundari Kumari went to Mumbai with her beloved Sudhir Kumar where this petitioner and other accused persons offered them Coca-cola mixed with psychotropic substance, and they were talking to sell them (victims), whereas victim Sundari Kumari has stated that both sisters were offered Coca-cola by co-accused Pujan Kumar, Rajendra Mahto, Kushmi Devi and Devkal Devi and they were talking to sell them. Thus, victim Sundari Kumari has not taken name of the petitioner along with other accused persons. It is also the case of the petitioner that there is no allegation of any sexual assault against this petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the State and the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case and the contradictory statements of the victims, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Kanti Police Station Case No. 464 of 2023/GR No. 1957 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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