

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28011 of 2024**

Arising Out of PS. Case No.-258 Year-2022 Thana- BYPASS District- Patna

Shashi Kumar, age 25 years, Male Son of Sanjay Mahto, Resident of  
Mohalla- Bahari Dhwalpur Chalni Per P.S.- Bypass District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      23-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Bypass  
P.S. Case No. 258 of 2022 instituted for the offences punishable  
under Sections 363 and 366A/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation against  
the petitioner is that he along with other co-accused persons  
kidnapped the daughter of the informant.

4. Copy of the case diary has been submitted by  
learned counsel for the petitioner in the Court proceeding and  
the same has been produced by the petitioner's counsel under  
Section 207 of the Cr.P.C.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of suspicion. Petitioner is named in the FIR and the informant is not an eye witness who raised only suspicion against the petitioner. He next submits that the daughter of the informant was in company with the petitioner but the informant does not disclosed the name of that person. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 27.11.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR, case diary and the impugned order of the learned 1<sup>st</sup> Additional District and Sessions Judge, Patna City, Patna dated 28.02.2024, it appears that petitioner is named in the FIR and his name transpired in this case during the course of investigation on the basis of suspicion. From perusal of the records, it also appears that on the basis of written report of the informant Raj Kumar Singh, the FIR has been registered under Sections 363, 366(A)/34 of the Indian Penal Code against three accused persons including the present petitioner and the allegation against the petitioner is of kidnapping the victim aged about 15 years. On perusal of the Statement recorded under Section 164 of the Cr.P.C. by the



Magistrate and Section 161 of the Cr.P.C. recorded by the Investigating Officer that there is no any allegation of sexual assault of the petitioner or torture. Considering the above facts and circumstances of the case, the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned A.C.J.M.-VI, Patna City, Patna in connection with Bypass P.S. Case No. 258 of 2022.

**(Ramesh Chand Malviya, J)**

Anand Kr.

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

