

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29522 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- DURAULI District- Siwan

Sintu Kumar Gupta @ Sintu Gupta Son of Kanhaiya Lal Gupta @ Kanhaiya
Gupta R/o Village-Rampur Sarejan, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 285 of 2023 registered for the alleged offences under Section 363, 366(A) and 34 of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant went missing along with a girl of the same village. The allegation against the petitioner is that he was instrumental in the daughter of the informant leaving her house and disappearing.

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



case. The petitioner's name has been mentioned in this case merely on suspicion. The occurrence took place in 16.08.2023 and the FIR has been lodged on 15.10.2023 and there has been no explanation for such inordinate delay. The petitioner has been working as a welder in a private company in Maharashtra and during the relevant time he was on duty and a certificate has been issued to the company to this effect. The petitioner was not present at his village or any nearby place during the relevant period. Learned counsel further submits that the victim girl has been recovered and her statement has been recorded under Section 161 of the Cr.P.C. as well as under Section 164 of the Cr.P.C. wherein in her statement under Section 161 of the Cr.P.C. she has stated that she and other girl from the village went to Delhi where she was left on the station by the other girl and she met a person there with whom she has solemnized marriage and started living as his wife and she has a child from this marriage. Learned counsel further submits that while releasing the victim girl, the learned trial court noted that she was not a minor and was aged about 20 years and after recording of the statement under Section 164 of the Cr. P.C. she was ordered to be released and was allowed to go as per her wish. The petitioner has no criminal antecedent.



05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that a report has been called from the Superintendent of Police, Siwan and in the said report it has been submitted that the victim girl has been recovered and her statement under Section 161 of the Cr.P.C. as well as Section 164 of the Cr.P.C. has been recorded. Learned A.P.P. concedes that in her statement recorded under Section 161 of the Cr.P.C. she has not named the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Siwan in connection with Darauli P.S. Case No. 285 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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