

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31680 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- RAGHOPUR District- Vaishali

Guddu Kumar, son of Sushil Ray, Resident of Village- Mohanpur, Mirampur,
PS- Raghobpur District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Sunil Kumar, learned counsel for the
petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Raghobpur P.S. Case No. 188 of 2023 registered for the offences punishable under Sections 364A, 365, 379, 341, 323 and 325 of the Indian Penal Code.

3. The present FIR based upon a complaint forwarded under Section 156(3) CrPC, alleges that on 07.07.2023, the petitioner called the son of the informant and took him away but he did not return home. On the next day, when the informant went to the house of the petitioner to inquire about his son, she was assaulted and her valuables were snatched.

4. Learned counsel for the petitioner referring to the complaint petition which is the basis of the FIR, contended that



admittedly the alleged occurrence took place on 07.07.2023 but the complaint has been registered on 25.07.2023. He further contended that, in fact, after sometime, the victim returned to his house and his statement was recorded under Section 161 CrPC, wherein he categorically stated that he used to sell tea at Patna Railway Station but he did not inform his parents. It is next contended that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the statement of the victim recorded under Section 161 CrPC can only be verified on receipts of the case diary.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the submission made at the Bar that the victim has not made any allegation against the petitioner in his statement recorded under Section 161 CrPC, coupled with the fair antecedent and the pending litigation between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 188 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with following conditions:

(i) The Court below shall verify the submission of the petitioner with regard to the statement of the victim recorded under Section 161 CrPC. In case, his statement found untrue, the court below shall have liberty to cancel his bail bond(s).

(ii) One of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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