

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34784 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- SIWAIPATTI District- Muzaffarpur

Sunil Kumar, S/o Sahdeo Prasad, R/o village - Harser, P.S. - Siwaipatti, Distt.
- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-07-2024 Heard Mr. Ravi Ranjan, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Siwaipatti P.S. Case No.36 of 2024
registered for the offences punishable under Sections 363,
365/34 of the Indian Penal Code.

3. Based on a written report, the prosecution alleges
that the grand-daughter of the informant along with maternal
grand-daughter of his neighbour were found missing. In course
of search, the informant got a mobile number written on a small
paper kept in the book. When the informant made a call on the
said mobile number, the receiver of mobile disclosed his identity
as the petitioner and said that he is working on the site of
contractor in connection with electricity work; he also disclosed



that he went to Samastipur on 28.02.2024. The informant raised suspicion that the petitioner along with his friends have secretly run away with his grand-daughter as well as of his neighbour.

4. Learned Advocate for the petitioner contended that even if the allegation made in the F.I.R. is taken to be true, no case is made out. During the course of investigation, both the victims were recovered and their statements were recorded under Section 164 of the Cr.P.C. wherein they have categorically stated that the petitioner and his friend Rajesh Kumar were known to them for several months. On the alleged date of occurrence, the petitioner and his friend asked them to go to Uttar Pradesh with them and on their instruction, they sat on an Auto, the petitioner and his friend were coming on a motorcycle. However, in the meantime, the police intercepted them and later on sent to Remand home. Referring to the statement of the victims, learned Advocate for the petitioner thus contended that there is no allegation of any misbehave or kidnapping, neither the victims were apprehended with the petitioner nor there is any material suggesting that petitioner had taken away the victims for the purposes of any wrongful act. The petitioner is a man of clean antecedent and now he is in judicial custody since 06.03.2024. The investigation of crime is



complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that both the victims are minor and they have categorically stated that it is the petitioner and his friend, who had allured to accompany them to go to State of Uttar Pradesh.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the statement of the victims recorded under Section 164 of the Cr.P.C. wherein no allegation of kidnapping or any kind of misbehave has been levelled against him, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (East), Muzaffarpur in connection with Siwaipatti P.S. Case No.36 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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