

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36298 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- BHAGWANPUR District- Vaishali

Rajnish Kumar @ Monu Kumar @ Monu @ Rajnish Sharma Son Of
Sukhnandan Maharaj Resident Of Village - Abirpur, P.S. - Bhagwanpur,
District - Vaishali

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 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 Bhagwanpur P.S. Case No. 243 of 2023 registered on 13.10.2023 for the alleged offences under Section 363 and 365 of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant went missing and the informant came to know about petitioner and other co-accused persons who forcibly took her away on a four wheeler.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as it appears from the FIR that date of occurrence is 06.09.2023 but the FIR has been lodged after much delay on 13.10.2023. This



makes the whole prosecution case suspect as there is no reasonable explanation. The victim girl has returned and her statement was recorded under Section 164 of the Code of Criminal Procedure wherein she has stated that she was in love with co-accused Gautam Kumar and she went to Gujarat on 06.09.2023. She was not kidnapped. The victim girl did not even take the name of the petitioner in her statement. The petitioner is a Junior Engineer and works in a private firm. In order to ruin his reputation he has been implicated in the present case. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the victim girl has not levelled any allegation against the petitioner and further considering the clean antecedent of the petitioner and possibility of false accusation, 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 A.C.J.M.-VI, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 243 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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