

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42985 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- Kadirganj P.S. District- Nawada

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Arun Kumar Son of Rajendra Yadav Resident of village - Mallutand, P.S.-
Muffasil, District - Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Kadirganj P.S. Case No. 49 of 2024 instituted for the offences
under Sections 363, 366 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time, the informant's sister left her home but did not
return. It is further alleged that informant received several calls
from Mobile No. 9661767449 in which her sister was weeping.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
specific overt act is alleged against the petitioner. Learned
counsel further submitted that victim was in love with the



petitioner and, in fact, she left her house on her own sweet will. Learned counsel further contended that victim is a major girl aged about 28 years. Learned counsel further contended that although the victim has stated that she was sexually assaulted by this petitioner but the same is not corroborated by the medical evidence which casts doubt over the prosecution story. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.03.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has clearly stated that this petitioner sexually assaulted her and therefore, the petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, and also taking into account the allegation levelled by the victim (statement of the victim recorded under Section 164 of the Cr.P.C.) statement but the same is not corroborated by the medical report, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner 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 Court below/concerned Court in connection with Kadirganj P.S. Case No. 49 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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