

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46381 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- JANDAHA District- Vaishali

Nilesh Kumar S/o Manoj Kumar Mahato R/o vill - Malikpur, P.s. - Goraul,
Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chandani Devi W/o Visheshwar Singh R/o vill - Arniyan, ward no. 10, P.S. - Jandaha, Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jandaha P.S. Case No. 405 of 2023 dated 26.12.2023 registered for the offences punishable u/ss 363 and 366 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant for the purpose of doing wrong or illegal work.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 21.12.2023 but the



F.I.R. was lodged on 26.12.2023 and there is no explanation for this delay. There was love affair between the victim and the petitioner. As per the Annexure-3, the victim girl has solemnized marriage with the petitioner with her own sweet will on 15.12.2023 at local temple and also sworn affidavit before notary public. Learned counsel has further submitted that when the victim was recovered from the house of the petitioner, she is a major girl. There is no statutory compliance of Section 164A and 53A of the Cr.P.C. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 405 of 2023 with the condition :-

(i) The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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