

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46980 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BHADAUR District- Patna

Dinesh Kumar, Son of Ramashray Mahto, R/O Vill.- Kurmichak, P.s.-
Samyagarh (Ghoswari), Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhadaur P.S. Case No. 38 of 2024 registered
for the offences punishable under Sections 363, 366A and 34 of
the Indian Penal Code.

3. Based on the written report, the prosecution alleges
that one Satendra Kumar kidnapped the daughter of the
informant and taken away for the purposes of illegal activities or
marriage. Petitioner alongwith other family members extended
their help in kidnapping of the victim. The daughter of the
informant is still untraceable.

4. Learned Advocate appearing on behalf of the
petitioner contended that the petitioner only being uncle of the



boy Satendra Kumar, his name has been implicated in this case without there being any material. The narratives of the FIR clearly reveals that the occurrence took place on 28.04.2024 but the FIR has been instituted on 01.05.2024 without there being any explanation for delay. It is also the contention of the petitioner that the boy and girl were in love and they voluntarily left the village and thereafter they have been residing somewhere else, but no information in this regard has been given to any of the family members and, as such, only in order to put pressure upon all the family members this FIR has been instituted. Moreover, even if the allegation is taken to be accepted at their face value, there is no ingredient constituting any offence under Section 363 and 366A of the Indian Penal Code against the petitioner; all the more, when the entire case is based on suspicion. It is lastly contended that the petitioner is a man of fair antecedent and is in custody since 01.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in kidnapping of the victim.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is uncle of the boy, Satendra Kumar who has allegedly taken



away the victim, coupled with the fair antecedent and the fact that there is no other material suggesting the complicity of the petitioner, 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 Judicial Magistrate, 1st Class, Barh, Patna in connection with Bhadaur P.S. Case No. 38 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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