

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48781 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- MAIN P.S. District- Gaya

Badal Kumar Son of Amardeep Gupta Resident of Village - Nasirganj, P.S.-
Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanjay Kumar Son of Late Damodar Ram Resident of Village - Pai Bigha,
P.S.- Men (Pai Bigha O.P.), Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State. However, learned counsel for the opposite
party no. 2 is not present despite service of notice validly served
upon the opposite party no. 2.

2. The petitioner has preferred this application for
grant of regular bail in connection with Main P.S. (Pai Bigha)
Case No. 114 of 2023 dated 24.09.2023 registered for the
offences punishable u/ss 363, 366A read with Section 34 of the
Indian Penal Code.

3. As per the prosecution case, the co-accused
persons, Gopal Kumar and Niraj Kumar are alleged to have
kidnapped the minor daughter of the informant.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced in this case merely on suspicion. There is no specific allegation against the petitioner rather the specific allegation of kidnapping of the informant's daughter is against the co-accused, Gopal Kumar and Niraj Kumar. The victim in her statement recorded under Section 164 of the Cr.P.C. has not stated anything about the sexual assault against the petitioner. As per the medical report of the victim, there is no recent sign of sexual assault on the person of the victim though the rape cannot be denied. 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 30.09.2023.

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, Gaya in connection with Main P.S. (Pai Bigha) Case
No. 114 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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