

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48412 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Krishna Mohan Pandit Son of Upendra Pandit Village- kumbhi ward no 6 PS-
Cheriyabariyarpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Town P.S. Case No. 128 of 2024, registered
for the offence punishable under Sections 363 and 366(A) of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the minor daughter of the informant went to her
coaching. However, when she did not return till the evening, the
informant tired his best to find out her whereabouts but did not
get any success, leading to institution of the FIR.

4. Learned Advocate for the petitioner contended that
the FIR has been instituted against holder of the mobile no.
6201738717, which is found in the name of the petitioner. In
fact, only on the next day of occurrence, the victim was



recovered and her statement was recorded under Section 164 Cr.P.C., wherein, she has categorically stated that she was not kidnapped by anyone rather she had herself gone to the house of the petitioner and when her father came to know about the incidence, he instituted the FIR. There is no allegation of any overt act against the petitioner, neither of inducement nor of use of any force for sexual intercourse and, as such, no case much less under Section 363 and 366(A) of the Indian Penal Code is made out. It is lastly contended that be that as it may, the petitioner is a man of fair antecedent and now he has been incarcerated since 26.02.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., wherein she has not even whisper about the complicity of the petitioner in the crime, coupled with his fair antecedent and the investigation being completed, 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 Chief Judicial Magistrate, Begusarai in connection with



Town P.S. Case No. 128 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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