

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55326 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- BHITAHA District- West Champaran

Umesh Kushwaha, Son of Rajendra Kushwaha, R/O Village- Piprahiya,
Kanhil Tola, P.S.- Barawapatti, Dist.- Kushinagar, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Anand, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-12-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bhitaha P.S. Case No. 30 of 2024 registered for the offences punishable under Section 366 of the Indian Penal Code.

3. The allegation against the petitioner is of kidnapping the victim for the purposes of marriage.

4. Learned Advocate for the petitioner submits that even as per the narrations made in the F.I.R., it is evident that the occurrence took place on 06.03.2024, but surprisingly the F.I.R. has been instituted on 17.03.2024; however, the delay has not been explained. It is further contended that during the course of investigation, the statement of the victim was recorded under



Section 164 of the Cr.P.C. wherein she has not made any allegation of misbehaving and use of force against the petitioner. The only allegation against the petitioner is that while she was working in the hospital of the petitioner, he had administered a medicine and thereafter one Appu Kumar, who was working in the same hospital took her to Goraria, where she was kept in confinement and later on she succeeded in fleeing away. The entire allegation, even if, levelled in the statement under Sections 161 and 164 Cr.P.C. are taken, it revolves around Appu Kumar. So far the petitioner is concerned, save and except the suspicion of kidnapping, there is no material suggesting the complicity of the petitioner in the crime. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that it is the petitioner, who administered a medicine due to which she became unconscious and thereafter she was taken away by one Appu Kumar and kept in confinement.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C. wherein she has not made



any specific allegation against the petitioner, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, 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 Additional Chief Judicial Magistrate-I, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 30 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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