

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60373 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- PARSAUNI District- Sitamarhi

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Bittu Kumar, Son of Jaynath Ram, Resident of Village - Sundargama, P.S. -
Parsauni, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Ashish Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Mr. Santosh Kumar, learned Advocate

appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State. The informant is represented by
Mr. Ashish Anand, learned Advocate.

2. The application for grant of bail to the petitioner
who is in custody in connection with Parsauni P.S. Case No. 56
of 2024 registered for the offence punishable under Sections
363, 366 and 34 of the Indian Penal Code.

3. While the daughter of the informant was returning
from the school after getting her admission done in plus two
school, in the mean while, three accused persons including the
petitioner who were present there, forcibly taken her away on a
vehicle. During such incidence, the petitioner was apprehended



by the villagers and he disclosed this fact that his friend, Sushil Kumar, has taken away the daughter of the informant for the purposes of marriage.

4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that the alleged occurrence has taken place in the morning of 09.04.2024, but the FIR has been instituted on 10.04.2024. The FIR clearly disclosed that the petitioner was apprehended by the villagers at the place of occurrence itself and, as such, this is the fact that he is not the person who has taken away the daughter of the informant for the purposes of solemnization of the marriage. At best it can be said that he has extended help to co-accused Sushil Kumar in taking away the daughter of the informant. The statement of the victim was also recorded under Section 164 of the Code of Criminal Procedure, wherein similar facts has been stated. Adverting to the aforesaid fact it is further contended that had the girl was forcibly taken away by the accused persons, in a public vehicle, she would have certainly raised *halla*, but this was not done, which cause suspicion over the prosecution case. Be that as it may, now the petitioner has been incarcerated since 10.04.2024 and the investigation of the crime is complete.

5. On the other hand, learned Additional Public



Prosecutor for the State vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure, wherein she has made a specific statement that it is the petitioner who has supported the co-accused and forcibly taken her on a motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was apprehended by the villager at the place of occurrence, despite the fact that the FIR has been instituted on the next day, coupled with the fair antecedent and the period of custody and the investigation being complete, 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, Sitamarhi/Competent Jurisdiction in connection with Parsauni P.S. Case No. 56 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.

(Harish Kumar, J)

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