

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60362 of 2024

Arising Out of PS. Case No.-393 Year-2023 Thana- UCHKAGAON District- Gopalganj

Akash Baitha @ Akash Rajak @ Akash Kumar Rajak Son of Mugal Baitha @
Mogal Baitha R/O Vill.- Chhotka Sankhey, P.S.- Uchkagaon, Dist.-
Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Uchkagaon P.S. Case No. 393 of 2023 for the offence punishable under Section 366A of the Indian Penal Code Act lodged on 03.10.2023 by the informant, Dhudhnath Singh.

3. As per the prosecution story, the informant alleged that when his wife alongwith minor daughter was going on the road, a Mahindra Bolero vehicle came, stopped and the girl was pushed inside it and taken away. Later, it transpired that this petitioner alongwith his associate has kidnapped his daughter. Accordingly, the FIR.

4. Subsequently, the girl returned and she made statement under Section 164 of the Cr.P.C. in which, she has



alleged that on the point of gun, she was forced to sit inside the car and taken to Assam. She has further alleged that this petitioner wanted to marry her and threatened to kill her. She further alleges that she had made a video of the kidnapping and upon knowledge, this petitioner snatched her mobile.

5. Learned counsel for the petitioner submits that they were in relationship and the girl had moved on her own and later, she retracted and gave different version which led to his being in custody since 03.06.2024 (para-17 of the petition). Further, he do not have criminal antecedent, charge-sheet submitted and is a student, aged 22 years.

6. Learned APP opposes the prayer submitting that the girl has made allegation against this petitioner.

7. Though, the allegation is there, the petitioner is 22 years old, no criminal antecedent and has remained in custody since 03.06.2024, it would be appropriate that he will face the trial.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IX, Gopalganj, in connection with Uchkagaon P.S. Case No. 393 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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