

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59818 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- LALGANJ District- Vaishali

Avishesh kumar @ Abhishek Kumar S/o Suresh Baitha R/o Village - Jalalpur,
P. S-Lalganj, District -Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sharmila Devi W/o Devendra Ram R/o vill - Jalalpur, P.S. - Lalganj, Distt. -
Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Ranjit Kumar Thakur, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-11-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Lalganj
P.S. Case No. 109 of 2023, instituted for the offences punishable
under Sections 363, 366(A)/34 of the Indian Penal Code and
Section 8/17 of the POCSO Act.

3. The prosecution case, in short, is that, on the
pretext of marriage, daughter of the informant was kidnapped by
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that it is a matter of love affair between the victim and the petitioner. There is inordinate delay of ten days in lodging the FIR. The victim in her statement recorded under Section 161 Cr.P.C. states that she was not kidnapped by the petitioner, rather she went to Muzaffarpur with the petitioner on her own will. Bu the victim in her statement recorded under Section 164 Cr.P.C. states that the petitioner has kidnapped her. It is further submitted that medical report of the victim shows no sign of sexual intercourse. The petitioner is in custody since 16.05.2023 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Lalganj P.S. Case No. 109 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

