

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62569 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- BHAGWANPUR District- Vaishali

Shubham Kumar @ Shubham Ram son of Sunil Ram Village - Hathsarganj,
P.S. Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-11-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No.32 of 2024 registered for the offence under Sections 363 and 366 of the Indian Penal Code.

3. The allegation against the petitioner along with other co-accused persons is to have taken away the daughter of the informant aged about 18 years, for the purpose of illicit intercourse.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the petitioner named in



the FIR and informant is also eye-witness to the occurrence. It is submitted that there is delay of 5 days in lodging FIR without having any plausible explanation. It is submitted that it appears from perusal of statement of victim as recorded under Section 164 of the Cr.P.C. that victim has not stated as regard to sexual assault as well as any other coercion. It is submitted that it also appears from statement of victim that this petitioner called the victim through telephonic call and not kidnapped the victim from her house. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioner and as it appears from perusal of statement of victim as recorded under Section 164 of the Cr.P.C. that this petitioner had not kidnapped the victim rather he called her through telephonic call and as no allegation as regard to sexual assault has been levelled against this petitioner, let the above-named petitioner be released on anticipatory bail in the event of his arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.32 of 2024 subject to the condition laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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