

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63128 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- UCHKAGAON District- Gopalganj

Sandeep Kumar, Son of Sri Naresh Mahto, Resident of Village- Barari
Jagdish, P.S. - Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Uchkagaon P.S. Case No. 333 of 2023 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the grand-daughter of the informant aged about 19 years found missing from 12.08.2023 from the house. The informant inquired her whereabouts but did not find; thus the FIR has been instituted.

4. Learned counsel for the petitioner contended that allegedly the grand-daughter of the informant was found missing on 12.08.2023 but the present FIR has been instituted



on 14.08.2023. During the course of investigation, the victim was recovered and her statement was recorded under Section 164 CrPC, wherein she has stated that on 12.08.2023 while she was going to attend the call of nature, in the meantime, the petitioner along with one Rohit Kumar came there and sprinkled water like substance upon her due to which she became unconscious and thereafter she found herself on some unknown place. It is also alleged that when the victim asked about the place, she was assaulted and again some medicine was administered due to which she became unconscious. She remained there for one and a half month and thereafter she was brought to his aunt and from where she fled and came to her house. Learned counsel for the petitioner contended that even from the statement recorded under Section 164 CrPC, it is clear that no sexual assault has been made. The victim is aged about 19 years and she was examined by the Medical Board, wherein no sexual assault has been found. The petitioner is a man of fair antecedent, aged about 20 years and he has been incarcerated since 07.05.2024. The petitioner undertakes that he will fully cooperate in the proceedings of the Court.

5. Learned counsel for the State opposed the bail application and submitted that there is serious allegation against



the petitioner that he along with his friend took away the grand-daughter of the informant by administering some intoxicated substance.

6. Regard being had to the submissions made on behalf of the parties and considering the medical report and the age of both the victim and the petitioner, coupled with the fact that there is no allegation of any sexual assault, the investigation of the crime is complete and the charge-sheet has been submitted; moreover, this Court has also gone through the case diary, wherein the family members of the victim alleged that the victim suddenly fled from her house on 12.08.2023 and no allegation has been levelled against any of the person, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Gopalganj in connection with Uchkagaon P.S. Case No. 333 of 2023, 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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