

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62734 of 2024**

Arising Out of PS. Case No.-168 Year-2024 Thana- BAHERI District- Darbhanga

Shiv Kumar Das @ Shiv Kumar, aged about 22 years (Male), Son of Late Kailash Das, R/O village- Gangdah, P.S.- Baheri, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate
For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Baheri P.S. Case No. 168 of 2024 dated 30.05.2024 registered for the offences punishable under Sections 363 and 366A of the I.P.C.

3. As per the prosecution case, on 28.05.2024 at about 3.00 P.M., the daughter of the informant went for tuition from where Shiv Kumar Das (petitioner), Vivek Kumar Sharma, Amarjeet Das and Shyam Das kidnapped his minor daughter for the purpose of marriage. When the informant went to the mother of Shiv Kumar Das (petitioner) to inquire into the matter but she refused to say anything. The informant believed that Shiv Kumar Das (petitioner) had kidnapped his minor daughter for



the purpose of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the next door neighbour of the informant. There is land dispute between the parties. The alleged occurrence took place on 28.05.2024 as to when the F.I.R. has been lodged on 30.05.2024 after a delay of two days for which no explanation has been given by the prosecution. It is further submitted that as per the impugned order, the victim was administered some substance in the water, after drinking which, she became unconscious and thereafter the petitioner and the other co-accused persons took her away. There was love affair between the petitioner and the victim. There is nothing on record to show that the victim was forced/seduced to have intercourse with any another person. It is submitted that the other co-accused person, namely, Vivek Kumar @ Vivek Kumar Sharma has already been granted bail by a Bench of this Court vide Cr. Misc. No. 50566 of 2024 under order dated 05.08.2024, annexed as Annexure-2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 31.05.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Darbhanga in connection with Baheri P.S. Case No. 168 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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