

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62327 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- BIBHUTIPUR District- Samastipur

MITHUN KUMAR Son of Laxman Sada @ Laxman Das R/o vill - Sheora
Chaksaho, P.S. - Patory, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366(A)/34 of the Indian Penal Code.

3. As per prosecution case, allegation against the petitioner along with others is of abducting the daughter of the informant while she was going to attend nature's call.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The alleged occurrence took place on 10.2.2022 whereas the FIR has been lodged in delay of more than twenty days on 3.3.2022. The victim was recovered whose statement u/s 164 of the Cr.P.C. has been recorded in



which she stated that the petitioner tried to rape but during that time, the police arrived and saved her. No commission of wrong has been done by the petitioner with the victim. The victim girl stated her aged about 18 years. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 5.3.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 85 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-Cum-Special Court (POCSO), Samastipur or concerned court.

(Sunil Kumar Panwar, J)

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