

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72629 of 2023

Arising Out of PS. Case No.-1026 Year-2023 Thana- NAWADA District- Nawada

Vishal Kumar @ Vishal Chauhan @ Vishal Chouhan Son Of Mithlesh Kumar
@ Mithlesh Chouhan R/O Village- Maheshpur, P.S.- Kashichak, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv. with
Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Amrendra Kumar, APP
Mr. Sheo Kumar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned senior counsel for the petitioner,
learned counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Nawada (Town) PS Case No. 1026 of 2023 dated 30-06-2023,
instituted under Sections 363 and 365 of the IPC.

3. The prosecution case, in short, is that on
08-06-2023, at about 11 AM, informant's daughter, namely
Samapati Kumari, went out from the house for taking admission
in B.A, but she did not return and, in course of search, informant
learnt that petitioner, namely Vishal Kumar kidnapped her
daughter.

4. Learned senior counsel for the petitioner submits
that the petitioner is innocent and he has been falsely implicated
in this case. It is submitted that the victim girl, was recovered
and her statement has been recorded under Section 164 of
Cr.P.C., wherein, she has stated that she went with the petitioner
to Gaya, who left her during her journey and then she went to



Delhi and doing private job. There is no mention about the allegation of kidnapping. At the time of statement, recorded under Section 164 Cr.P.C., the age of the victim girl is 18 years. Lastly, it has been submitted that petitioner has no criminal antecedent.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that the petitioner has kidnapped the daughter of the informant and tortured her, due to which, the present case has been lodged.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nawada, in Nawada (Town) PS Case No. 1026 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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