

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77999 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- NAUGACHIA District- Bhagalpur

DEEPAK KUMAR RAJAK @ DEEPAK KUMAR Son of Sushil Rajak R/o
vill - Choti Parbataa, P.s. - Ismailpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Barnwal, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-03-2024 Heard Ms. Shweta Barnwal, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Naugachia P.S. Case No. 282 of 2023 for the offence under sections 366(A)/34 of the I.P.C. lodged on 15.08.2023 by the informant, Subodh Kumar Mandal.

3. As per the prosecution story, the informant alleged that his minor daughter went missing and despite search, she could not be found whole night, later came to know that this petitioner has taken her away. The further allegation against the family members is of helping the petitioner in taking the girl away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the girl had left the place on her own and there was no kidnapping. A categorical statement has been made in paragraph 10 that the girl appeared and made statement before the Court concerned as



also before the police that she was not kidnapped rather had gone to the house of her maternal aunt.

5. Learned APP opposes the prayer stating that allegation of kidnapping is against this petitioner.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner is a young boy, student, eighteen years of age, having no criminal antecedent and as per the learned counsel for the petitioner, the girl upon return, made statement under section 164 Cr.P.C. that she had gone to her maternal aunt, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. The said statement of the learned counsel for the petitioner that the girl has made statement regarding her going away to the maternal aunt has to be ascertained by the concerned Court before extending the relief to the petitioner.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM 1st, Naugachia, in connection with Naugachia P.S. Case No. 282 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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