

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79059 of 2023

Arising Out of PS. Case No.-393 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Mantosh Kumar@ Mantosh Kumar Son of Dudheshwar Prajapati Village-
Sinduar Tola Prasadi Bigha, Post -Sihari, P.S- Daudnagar Sihari Khurd Sihari
District -Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitender Pandit, S/o Narayan, F/o XYX (Victim), R/o Village Sinduar Tola,
Prasadi, P.S. Daudnagar, Sihari Khurd, Dist. Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Utkarsh Bhushan, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Pandey, APP
For the O.P. No.2	:	Mr. Utkarsh Bhushan, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the O.P. No.2.

Perused the case diary.

2. The petitioner seeks bail in connection with

Daudnagar P.S. Case No. 393 of 2023 instituted for the

offences under Sections 363 and 365 of the Indian Penal

Code.

3. The allegation against the accused persons

including the present petitioner is of kidnapping the minor

daughter of the Informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to family dispute. He further submits that the occurrence is said to have taken place on 18.06.2023 but, the F.I.R. has been lodged on 26.06.2023 i.e. after inordinate delay of eight days without any valid explanation for the same which creates suspicion in lodging of the F.I.R. The victim girl and the petitioner are uncle and niece. He further submits that the victim girl was not recovered with the petitioner rather he was brought to police station by the Informant itself. The petitioner and the victim girl are cousin and, thus, the petitioner has been falsely implicated in this case due to previous enmity. The victim girl in her statement made under Section 164 Cr.P.C. has not supported the prosecution case. Both the statements of the victim girl made under Section 161 and 164 Cr.P.C. are contradictory in nature. He further submits that the Charge-sheet has been submitted by the police on 19.08.2023 bearing Charge-sheet no. 381 of 2023 under Section 366(A) of the



I.P.C. and Section 8 of the POCSO Act and also submitted the final form in favour of the parents of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.07.2023 and the charge-sheet has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State and the counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl at the time of occurrence was a minor. It is further submitted that the allegation made against the petitioner is grave and serious in nature and, thus, he does not deserve bail.

6. Considering the entire facts and circumstances of the case and the submissions made by both the parties as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent coupled with the fact that the victim girl in her statement made under Section 164 Cr.P.C. has not stated any overt act against the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Daudnagar P.S. Case No. 393 of 2023, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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