

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82758 of 2023

Arising Out of PS. Case No.-710 Year-2023 Thana- SHASTRINAGAR District- Patna

RAJ MISHRA @ RAJ KUMAR MISHRA Son of Late Santosh Mishra R/o
vill - Bihta, Infront of Nirbhay Singh, P.S. - Bihta, distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr. Ravi Ranjan Kumar, Adv.
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-03-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shastri Nagar P.S. Case No. 710 of 2023, lodged on 31.07.2023
under Sections 365, 366, 120(B) of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner against whom there is an allegation of kidnapping of
informant's sister.

4. Learned senior counsel for the petitioner submits
that the petitioner is innocent and has committed no offence.
Counsel also submits that after investigation, the charge-sheet
has been filed against the present petitioner only under section



376 and final form has been submitted against other accused person. Counsel further submits that statement under section 161 as well as statement under section 164 Cr.P.C has been attached in the case diary which was called for *vide* order dated 20.12.2023.

5. Learned senior counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 07.08.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in the case diary and after going through statement under section 161 as well as 164 Cr.P.C., it transpires that charge-sheet has correctly been filed under sections 376, 365 and other sections.

7. It transpires to this Court that the Court has ascertain the age of the alleged victim is 30 years meaning thereby, the alleged victim is a complete mature lady and by her statement under section 164 Cr.P.C., it transpires that at certain level, there was consent involved.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees



Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Shastri Nagar P.S. Case No. 710 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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