

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71202 of 2024**

Arising Out of PS. Case No.-333 Year-2023 Thana- UCHKAGAON District- Gopalganj

=====

Rohit Kumar S/O Sunil Mahto R/o Barari Jagdish, P.S- Uchakagaon, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumar Mritunjay

For the Opposite Party/s : Mr.Gauri Shankar Gupta

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 10-01-2025 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Uchakagaon P.S. Case No. 333 of 2023, registered for the
offences punishable under Sections 363, 365 of the Indian Penal
Code.

3. The prosecution alleges that on 12.08.2023 the
maternal grand daughter of the informant went missing from the
house, leading to institution of the FIR. During the course of



investigation, the victim has returned to her home, and her statement was recorded under Sections 161 and 164 Cr.P.C., wherein she has made allegation against co-accused Sandeep Kumar and this petitioner that they forcibly took her away on their motorcycle to some isolated place and kept her confined for 2-3 months.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown persons but during the course of investigation, the victim herself returned to her house and thereafter her statement has been recorded. Even as per the statement recorded under Section 164 Cr.P.C., it would be evident that it has not been alleged that the petitioner has misbehaved in any manner; moreover the entire story appears to be not trustworthy for the simple reason that the petitioner spent 2-3 months in an isolated place. Taking away the victim forcibly on a motorcycle *prima facie* appears to be a concocted story. The petitioner is a daily wager who had been working on a different place for last two years and at the time of occurrence he was in Goa. In support of the aforesaid contention, the attendance and salary slip issued by the S.S. Electricals, Ponda Goa has also been placed on record. It is further contended that the aforesaid fact can only be verified from the CDR and the



location of the mobile phone of the petitioner. Taking note of the afore-noted fact, co-accused person namely, Sandeep Kumar has also been accorded the privilege of regular bail by this Court in Cr. Misc. No. 63128 of 2024.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that from the statement of the victim, it is apparent that she was taken away forcibly by the petitioner with the help of co-accused Sandeep Kumar.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted under Sections 363 and 365 of the Indian Penal Code, there is no allegation of any misbehave against the petitioner as also the non disclosure of the fact as to where she was kept confined and how she has returned to her house; apart from the tender age of the petitioner and his fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- IX, Gopalganj in connection with Uchakagaon P. S. Case No.333 of 2023, subject to the



conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

