

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79836 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- RAJEPUR District- East Champaran

Hari Kumar Ram @ Shyambabu Kumar son of Mahendar Ram @ Mahendra Ram Resident of village -Dumarbana Sati Bari Pokhar ward no 15, police station- Pakaridayal, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 13-02-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rajepur P.S. Case No. 160 of 2024 instituted for the offence under Sections 137(2), 140(3), 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in short is that 14-years-old daughter of the informant had gone to temple for worship in the meantime, petitioner kidnapped her in assistance with 4-5 of his associates.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16-08-2024. Petitioner bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner is a close friend of the victim, which is in knowledge of both the guardians but parents of the victim do not like their friendship and allegation of kidnapping of victim is false. Even from perusal of the statement of the victim recorded under Section 183 of the BNSS, 2023, she has not supported the prosecution case and has deposed that no sexual act was committed upon her. She had gone with the petitioner at her own volition. Even the medical report does not suggest any sign of rape as there was no spermatozoa found.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witness have supported the prosecution case. Police after completion of investigation has submitted charge sheet in this case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no allegation of sexual act against the petitioner in the statement of the victim and charge sheet being submitted, this Court is



inclined to grant bail to the petitioner.

8. Let the petitioner 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 Rajepur P.S. Case No. 160 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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