

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90306 of 2024

Arising Out of PS. Case No.-521 Year-2023 Thana- KHAGARIA District- Khagaria

Sargam Kumar @ Salagam Kumar S/o Sogarath Sada R/o- Gouda shakti, P.s-
Muffasil, Dist - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Khagaria (Muffasil) PS Case No. 521 of 2023 dated
26-05-2023, instituted under Section 366 (A) of the Indian
Penal Code.

3. The prosecution case, in brief, is that on
21-05-2023, the informant's daughter, Preeti Kumari, went to
attend to nature's call and the accused persons named in the FIR
threatened to kidnap her daughter. It is alleged that the petitioner
concealed her daughter in the house of his sister, Khushbu Devi,
on the basis of secret information received by the informant. It
is further alleged that the informant raised suspicion that the
accused persons named in the FIR abducted her daughter for the



purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that on 29.05.2023, the victim herself appeared before the police, and her statement under Section 164 of the Cr.P.C. was recorded on 30.05.2023, wherein She disclosed that she had left her house on her own sweet will with the petitioner and had gone to Amni. Thereafter, she went to her grandmother's house in Sonvarsha. She returned to her home alone the next day. There is not even a whisper of any allegation against the petitioner in her statement. It is further submitted that the date of the alleged occurrence is 21.05.2023, whereas the FIR was lodged belatedly on 26.05.2023, after an unexplained delay of five days, which could casts serious doubt on the veracity of the prosecution case. It is also submitted that both parties are next-door neighbours, and the petitioner has been made an accused merely on the basis of suspicion. The petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Khagaria, in Khagaria (Muffasil) PS Case No. 521 of 2023, subject to the conditions laid down in Section 438(2) of the Cr. P.C.

7. The application stands allowed.

(Khatim Reza, J)

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