

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5292 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

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Raja Kumar Paswan @ Raja Kumar @ Raju Paswan son of Shankar
Paswan, resident of village- Chanda Patti- Gangawara, Kuppa Tola P.S.-
Darbhanga Sadar, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-02-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 366 (A) and 363 of the Indian Penal Code.

Though, the petitioner is named in the first information report, vide Annexure-1, as an accused for allegedly kidnapping one Manisha Kumari, daughter of the informant, but taking into consideration the fact that the aforesaid Manisha Kumari was recovered and her statement under Section 164 Cr.P.C., Annexure-2, was recorded, wherein she has not supported the prosecution version and has stated that she has solemnized her marriage with the petitioner voluntarily, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the

like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with LNMU P.S.Case No. 279 of 2015. subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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