

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57551 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Vivek Kumar S/o Shambhu Sah, R/o Village- Bishanpur, P.S.- Dhaka,
District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kundwa Chainpur P.S.
Case No. 102 of 2017 instituted for the offence under Section-366 &
other minor Sections of the Indian Penal Code.

It has been submitted that occurrence took place on 15-06-
2017 and the FIR has been lodged on 09-07-2017. The petitioner is
nephew of the victim, Madhu Kumari and thus, the question does not
arise to kidnap the victim. The real fact is that the victim Madhu
Kumari was tortured by her in-laws family and on several occasions,
Panchayati was held and the petitioner was also one of the Panches in
that Panchayati. Therefore, the petitioner has falsely been implicated in
this case.

In such circumstances, prayer for anticipatory bail is
allowed and it is ordered that the petitioner named above in the event of



his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kundwa Chainpur P.S. Case No. 102 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana, Dhaka, District-Motihari, East Champaran subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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