

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13375 of 2019

Arising Out of PS. Case No.-267 Year-2011 Thana- UDWANTNAGAR District- Bhojpur

Vikki Kumar Prasad @ Prabhansh Kumar @ Bicki Prasad, Son of Prabhunath Prasad @ Prabhu Prasad, Resident of Village and P.S-Udwant Nagar, Distt.- Bhojpur(Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Krishna Tiwary

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard leaned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 29.10.2018 in a case registered for the offences punishable under Sections 366A, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Jitendra Kumar Singh, submitted to the S.H.O., Udwant Nagar P.S. is to the effect that on 05.10.2011 at 10.00 A.M., the daughter of the informant, Puja Kumari went to Udwant Nagar for worshipping on the eve of Durga Puja but she did not return. Thereafter, the informant started searching his daughter, but she



could not be located. On enquiry being made, the informant came to know that co-accused, Raghubansh Prasad @ Chotu has enticed away the daughter of the informant for the purpose of marriage. It is further alleged that all the FIR named accused persons, including the petitioner, who is the brother of the co-accused, Raghubansh Prasad facilitated him in commission of the offence. It is also alleged that when the informant made complaint to the father of the co-accused, Raghubansh Prasad in this regard, the petitioner and his father started abusing the informant and also assaulted him.

It appears that the petitioner was granted provisional anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.04.2013 passed in Cr. Misc. No.5436 of 2013. The provisional bail of the petitioner was supposed to be confirmed by the learned Court below only on production of the victim girl, by the petitioner before the learned Court below, who has already performed marriage with the brother of the petitioner, but the petitioner failed to do so.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused, Raghubansh Prasad @ Chotu, the brother of the petitioner and the trial of the co-accused persons is still going on. It is further submitted that



the investigation with regard to the petitioner has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that the thrust of accusation is against the co-accused, Raghubansh Prasad @ Chotu, the brother of the petitioner and the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **C.J.M, Arrah (Bhojpur)** in connection with **Udwant Nagar P.S. Case No.267 of 2011.**

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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