

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29494 of 2021

Arising Out of PS. Case No.-48 Year-2019 Thana- MANSI District- Khagaria

NITISH KUMAR S/O HISABI SAH R/o village- Chukti, P.S.- Mansi,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Jai Kishore Poddar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned counsel for the informant as well as the learned A.P.P. for the State.

The petitioner seeks bail in connection with Mansi P.S. Case No. 48 of 2019 registered for the offence under Sections 363 and 366A of the Indian Penal Code.

The petitioner along with his family members are alleged to have abducted the minor daughter of the informant.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. In fact, altogether 12 persons of same family including the petitioner have been implicated in this case with general and omnibus allegations. As a matter of fact, there was love affair between the petitioner and the victim and out of her sweet will, she went with the petitioner. Although the victim, in her statement recorded under Section 164 of the Cr.P.C, has stated that this petitioner has taken away her on motorcycle to some unknown place but she has not whispered anything about any overt act committed by him with her. Therefore, no case of kidnapping is made out against the petitioner. Moreover, the victim girl has been recovered. The petitioner is rotting in judicial custody since 16.10.2020.

Learned counsel for the informant along with learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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., Khagaria in connection with Mansi P.S. Case



No. 48 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

