

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45599 of 2021**

Arising Out of PS. Case No.-128 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

RAKESH KUMAR Son of Umesh Pandit Resident of Village- Ukaura, P.S.-  
Pakribarwan, District- Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-12-2021              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 the learned A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 128 of 2021 registered for the offence under Sections 363 and 366 of the Indian Penal Code.

The informant alleges that his minor daughter and niece are alleged to have been abducted by one Ajit Kumar by alluring her for the purpose of marriage.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, the alleged occurrence took place on 01.05.2021 whereas the instant F.I.R. has been instituted on 07.05.2021 after lapse of five days without explaining the plausible delay, which itself creates doubt over the prosecution version. Apart from that, this petitioner has not been named in the entire prosecution. Moreover, the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that she has performed marriage with the petitioner out of her sweet will and both are happily leading their conjugal life. Hence, no case of abduction is made out against the petitioner. The petitioner, who is of no fault, is rotting in custody since 07.05.2021.

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 Chief Judicial Magistrate, Nawadah in connection with Muffasil P.S. Case No. 128 of 2021 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)**

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