

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1977 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- BASANTPUR District- Siwan

Abhishek Kumar S/o- Mohan Shah @ Mohan R/o Village- Gauri Jagidsh,
P.S.- Sewarahi, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366(A), 365 of the
Indian Penal Code.

According to prosecution case, it is alleged that the
informant of this case handed over a written application to
Basantpur police alleging therein that his two daughters
Priyanka Kumari and Putul Kumari had gone for marketing on
01.08.2021 but they did not return back even at late night. It is
further alleged that the informant made an hectic search but
could not trace out his two daughters namely Priyanka Kumari
and Putul Kumari ultimately he has given information to police



on 06.08.2021 on the basis of which initially the case was registered under Section 363 of the Indian Penal Code vide Basantpur P.S. Case No. 337 of 2021 but subsequently Section 366(A), 365 of the I.P.C. were added in the F.I.R.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has come during investigation. He further submits that in fact the petitioner and informant is Gotia and due to land dispute the petitioner has falsely been implicated in the present case. He further submits that the victim girls were recovered and their statements under Section 164 Cr.P.C. recorded in which they are not suggested of any physical assault and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court



below where the case is pending in connection with Basantpur
P.S. Case No. 337 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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