

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16573 of 2021

Arising Out of PS. Case No.-361 Year-2019 Thana- BARH District- Patna

SUBHAM KUMAR Son of Lalit Prasad Village - Dayachak, P.S.- Barh,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar,Adv
For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 02-03-2022 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.

1st & 2nd supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which are kept on record.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Barh P.S.Case No.361 of 2019 registered for the offence under Sections 363,366(A) of IPC.

The prosecution case, in brief, as contained in the written report of informant, namely, Mridula Sinha, wife of Murlidhar Prasad is that, on 03.08.2019 at about 12.00 P.M. ,



her daughter Nidhi Kumari went towards Barh Bazar from her house to meet essential work but she did not come back at late evening thereafter, she has consulted with her relatives but nothing has traced thereafter, he came to know from the neighbours that Subham Kumar has taken away to her daughter Nidhi Kumari by inducing her, who is minor girl, for the purpose of marriage.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner and victim, namely, Nidhi Kumari performed marriage on 03.08.2019 at Shiv Mandir, Barh, Patna. He further submits that the police submitted final form on 30.07.2021 showing a case of mistake of fact against the accused persons. He further submits that the petitioner is in custody since 02.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned A.C.J.M. 1st Barh, Patna in



connection with Barh P.S.Case No.361 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 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.

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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