

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19730 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- BAJPATTI District- Sitamarhi

ANIL MISHRA Son of Chandravansi Mishra Resident of Village - Bangaon,
Police Station - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Lilawati Singh, Adv

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-01-2022 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.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Bajpatti P.S.Case No.336 of 2020 registered for the offence under Sections 363,366(A)/34 of the Indian Penal Code.

The prosecution case, in short, is that on 17.08.2020, the daughter of the informant, aged about 15 years, after taking meal went to sleep in her room. While in the morning, informant awake then he saw the door of the house was open and his daughter was not in her room. On search to his family members and relatives he did not find her. After sometimes, it came to



know in the village that the villagers namely Kishan Kumar, Anil Mishra(petitioner) and Rita Mishra all of village-Bangaon had taken his daughter towards Sitamarhi by Auto, he has suspicion that the accused persons have kidnapped his daughter with a view to perform marriage where he has raised suspicion that all three have connived in this occurrence and accordingly FIR has been instituted.

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 it appears from the FIR that the allegation against the petitioner and the co-accused that they have kidnapped the daughter of the informant. He further submits that during investigation, nothing has come against the petitioner. He further submits that the victim girl, in her statement under Section 164 Cr.P.C., clearly stated that she had left her house suo motu and proceed Calcutta of her Mausi's house (maternal aunt). He further submits that co-accused, namely, Rita Mishra, wife of the petitioner, has been granted privilege of anticipatory bail vide order dated 29.11.2021 in Cr.Misc. No.19630 of 2021 by a Coordinate Bench of this Hon'ble Court. Petitioner is in custody since 19.08.2020.



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 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 S.D.J.M., Pupri, Sitamarhi in connection with Bajpatti P.S.Case No.336 of 2020 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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