

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24649 of 2021**

Arising Out of PS. Case No.-179 Year-2020 Thana- KHAJAULI District- Madhubani

ADITA KUMAR@SHIVGANAGA KUMAR@SHIVGANGA S/O
SURENDRA SAH R/o village- Datuwar Ward No. 14, P.S.- Khajauli,
District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash,Adv

For the Opposite Party/s : Mr.A.P.P.

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

5 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Khajauli
P.S.Case No.179 of 2020 registered for the offence under
Sections 363,366(A) of the Indian Penal Code.

The prosecution case, in short, is that on 01.09.2020
at about 3.00 A.M. in the morning, the informant woke up and
did not see her daughter Jyoti Kumar. This informant and his
wife searched her but she did not trace out and some unknown
mobile No. have been found which indicated his daughter was
abducted by mobile holder for purpose of marriage to her.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. In fact the petitioner is not named in the FIR. He further submits that during course of investigation the name of the petitioner has transpired in the present case. He further submits that it appears from the 164 Cr.P.C. statement, due to threat, the victim has gone with the petitioner. He further submits that it appears from the medical report that no sexual assault indicated in the medical report and the petitioner is in custody since 28.12.2020.

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 Judicial Magistrate 1st Class, Madhubani in connection with Khajauli P.S.Case No.179 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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