

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19502 of 2022**

Arising Out of PS. Case No.-287 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Nikhil Kumar Son Of Shyamdeo Singh @ Syamnarayan Singh Resident Of
Village- Panti, P.S.- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mrs. Rita Verma, A.P.P.

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

3 29-08-2022 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 364, 366/34 of the Indian
Penal Code.

According to prosecution case, in brief is that on
23.07.2021 in the morning, the accused Shaymdeo Singh, Nikhil
Kumar along with other 7-8 unidentified armed persons entered
in the house of informant with the help of ladder and forcibly
kidnapped and took away his daughter Sweety Kumari along
with them. Upon shout, the informant woke up, but the



miscreants used spray and he became unconscious. The informant further stated that kidnappers left behind a shirt and the ladder used to entering in the house. The informant further alleged that the accused persons forced her against her will and took away her with intention to marriage. He suspected that they might kill her for the properties. He also stated that her daughter Sweety informed him regarding the kidnapping and secretly send text message of the names of kidnappers through her mobile.

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 as per allegation in the F.I.R. that the petitioner and other co-accused persons has kidnapped the victim who is daughter of the brother-in-law of the informant. He further submits that due to land dispute the name of the petitioner has falsely implicated in the present case and victim girl was recovered and her statement was recorded under section 164 Cr.P.C. in which she has categorically stated that the petitioner and other co-accused persons had kidnapped her and there is no allegation of any sexual assault. He further submits that the medical report suggest that the age of the victim is 20-21 years and the police



after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.07.2021.

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 S.Tr. No. 245 of 2021/314 of 2021, arising out of Aurangabad Town P.S. Case No. 287 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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