

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29019 of 2021**

Arising Out of PS. Case No.-346 Year-2019 Thana- SHRIKRISHNAPURI District- Patna

Mistu Kumar Son of Umesh Yadav Resident of Village - Pothia, Paikpar,
Yadav Tola, Ward No.1, P.S.- Bhargama, Dist.- Araria, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

2 07-06-2022 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 learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code

As per prosecution case, it is alleged by the informant that on 23.09.2019 at 06:00 AM her niece namely Priyanka Kumari had gone for taking milk from Shivpuri More, she was enticed away by the accused Nitesh Kumar and his friend Mistu Kumar. It is further alleged that the accused Nitesh Kumar always used to tease the niece of the informant in the way of coaching. It



is further alleged that the accused petitioner in connivance with Nitesh Kumar and his father and mother abducted the victim girl Priyanka Kumari.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. itself that the petitioner has no role and the allegation against co-accused namely Nitesh Kumar. He further submits that the victim has been recovered and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has stated that she has voluntarily left her house. Similarly situated co-accused Ashok Rajak @ Ashok Kumar Bharti has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 22.01.2021 in Cr. Misc. No. 30987 of 2020.

Learned APP 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, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sri



Krishnapuri P.S. Case No. 346 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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