

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45116 of 2021**

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHILA P.S BAGHA District- West
Champaran

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NAND KISHORE KUSHWAHA, Son of Chhedi Kushwaha, Resident of
Village - Bajda, P.S.- Semra, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Ganesh Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bagaha Mahila P.S. Case No. 66 of 2019
registered for the offences punishable under Sections 366A/34
of the Indian Penal Code. He is in custody since 03.06.2021.
The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant in his written report alleged
that his daughter has been kidnapped by the accused persons



named in the F.I.R. including the petitioner by giving allurements of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 03.06.2021.

Learned counsel submits that the victim girl has come back and has made her statement under Section 164 Cr.P.C. in which she has not named the petitioner and no allegation has been made against him. The victim girl is major and has claimed her age 18 years before the learned Magistrate.

Mr. Ganesh Prasad Singh, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the victim girl has come back and has made her statement under Section 164 Cr.P.C. in which she has not named the petitioner and no allegation has been made against him, the petitioner has no criminal antecedent and is in custody since 03.06.2021, moreover, the victim girl is major and has claimed her age 18 years before the learned Magistrate, this Court directs that the



petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha, West Champaran in connection with Bagaha Mahila P.S. Case No. 66 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

