

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46104 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- DHANAHA District- West Champaran

Bhnu Choudhary @ Bhanu Choudhary, aged about 25 years, Sex-Male, S/O Late Bhagi Choudhary R/o village- Musahari Rupahi Tand Khaira Tola, P.S.- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Md. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Dhanaha P.S. Case No. 131 of 2020 registered for the offences punishable under Sections 363, 366A, 34 of the Indian Penal Code.

The prosecution case, in short, is that on 19.06.2020 in the night, the petitioner along with other accused persons have kidnapped the minor daughter of the Informant namely Nanki Kumari for the purpose of marriage.

Learned counsel for the petitioner submits that petitioner has criminal antecedent but, is innocent and has committed no offence and has falsely been implicated in the present case only on the basis of suspicion. Learned counsel for



the petitioner submits that the statement of the victim girl has been recorded before the court under Section 164 of the Cr.P.C. in which she has categorically stated that no one has kidnapped her rather she willfully went to the house of her friend Rima for participation in the Shradh ceremony. Learned counsel for the petitioner further submits that the police after investigation has submitted the charge-sheet against the petitioner and the petitioner is languishing in judicial custody since 04.04.2021.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner stating that the petitioner carries one more criminal case other than the present one as is evident from paragraph no.3 of the present bail petition.

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 Judicial Magistrate-1, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 131 of 2020, 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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