

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39299 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- CHIRAIYA District- East Champaran

Birendra Singh @ Birendra Prasad Singh Son Of Late Rambahadur Singh
R/O Village- Senuwariya, P.O.- Misrauliya, P.S.- Chiraiya, District- East
Champaran, Bihar, Pin-845415.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

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 363,
366A/34 of the Indian Penal Code.

The prosecution case, in short, is that on 02.04.2022,
the accused persons including the petitioner are alleged to have
kidnapped the minor daughter of the informant for the purpose
of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely



implicated in the present case. He further submits that in fact the son of the petitioner namely Prakash Kumar was in love with the victim namely Nibha Kumari and they have performed the marriage according to Arya Samaj rites on 19.04.2022 and on the same day also registered their marriage before Marriage Registration Office, Sadar First, Ghaziabad, Uttar Pradesh and the petitioner is father of co-accused namely Prakash Kumar and hence he has been falsely implicated in the present case.

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 Chiraiya P.S. Case No. 180 of 2022, 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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