

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55970 of 2021**

Arising Out of PS. Case No.-183 Year-2021 Thana- DIGHWARA District-
Saran

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BHARAT RAI Son of Late Nandu Rai Resident of Village- Kanakpur, P.S.-
Dighwara, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Awadhesh Kumar Singh, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Shyameshwar Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 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, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code.

As per prosecution case, it is alleged by the informant Umesh Kumar Rai that for almost one year there has been a dispute between the informant and the accused petitioner regarding the village road. It is further alleged that on 03.07.2021 at about 5:00 O'clock his sister had gone to attend the



call of nature where the accused petitioner Bharat Rai and his sons kidnapped his sister and the accused Dharmjeet Rai and his sister Nishu Kumari are traceless till now.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and the allegation against the petitioner is that he kidnapped the sister of the informant. He further submits that in fact the sister of the informant was love with son of the petitioner namely Dharmjeet Rai and both are in love with each other and due to objection made by both family about their love then they have left the village without informing their parent, and performed marriage on 15.10.2021 at Shree Raghunath Mandir (Regd) near Railway Bridge, New Kundanpuri, Civil Lines, Ludhiyana, Punjab (Annexure-3)

On the other hand, learned counsel for the informant and 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, 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 Dighwara P.S. Case No. 183 of 2021, with 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 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.

(4) One of the bailors must be the daughter of the informant namely Nishu Kumari.

(Rajesh Kumar Verma, J)

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