

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48043 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- SAHPUR District- Bhojpur

Pradip Kumar Gupta S/o Kameshwar Prasad @ Kameshwar Prasad Gupta,
Resident of Village- Shahpu8r, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant
through virtual mode.

The petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 42 of 2022, lodged under Sections 363,
366(A) of Indian Penal Code.

As per prosecution case, the kidnapping of daughter of
informant was alleged to be made by the petitioner who was
traceless from the morning of 31.01.2022.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the statement of alleged victim has taken place twice,
one under Section 161 of Cr.P.C. and another under Section 164
of Cr.P.C., in her statement under Section 161 of Cr.P.C. she has

disclosed that nobody has kidnapped her rather she herself went with the petitioner to Delhi and solemnized marriage in *Arya Samaj* and presently residing with her own free will and consent. He also submits that in the statement under Section 164 of Cr.P.C. the victim has shown her desire to go with the petitioner. Learned counsel submit submits that age of victim is more than 17 years. He further submits that petitioner is in custody since 01.05.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner is already having wife and by virtue of making false promise he has alleged before the Court that marriage took place. He further submits that victim is minor.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bhojpur, Ara in connection with Shahpur P.S. Case No. 42 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

If petitioner shall not support in trial and shall create any hurdle during trial, the Trial Court is at liberty to cancel the bail bond of petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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