

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54929 of 2022**

Arising Out of PS. Case No.-277 Year-2022 Thana- BASANTPUR District- Siwan

1. Nitish Kumar Son Of Shubhlal Sah R/O Village- Khajuhatti, P.S.- Baikunthpur, District- Gopalganj
2. Raj Kumar Mahto Son Of Achchhelal Mahato R/O Village- Bangra, P.S.- Basantpur, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

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

2 16-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Basantpur (Lakari Nabiganj O.P.) P.S. Case No. 277 of 2022 registered for the offences punishable under Sections 363/366A/504/506/34/120B of the Indian Penal Code. They are in custody since 15.06.2022. They have no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on 13.06.2022 at about 05:30 AM, the in-



formant and the family members found that the daughter of the informant is not in the house. In course of search, he came to know that one Hero Kumar with his three friends kidnapped his daughter by enticing her. When the informant approached the parents of Hero Kumar, they abused him. The informant got a secret information about his daughter being at Mahamadpur Bus Stand where seeing the informant, Nitish Kumar and Raj Kumar helped Hero Kumar in fleeing away with the daughter of the informant towards Gopalganj by the motorcyle of Sahzad Alam. Nitish Kumar and Raj Kumar were caught and have been handed over to the police with the motorcycle.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners are in custody since 15.06.2022 having no criminal antecedent.

Learned counsel submits that it has come in the statement of 164 Cr.P.C. that the victim had voluntarily gone from the house to marry one Hero Kumar.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is stated that the victim girl has been found aged



between 18-20 years in her radiological examination and she has made a statement under Section 164 Cr.P.C. wherein she has stated that she had gone with one Hero Kumar voluntarily and had married with him, the only allegation is that they had assisted the said boy in taking away the girl, the petitioners have remained in custody since 15.06.2022 and at this stage, the investigation against them is complete, their presence may also be secured in course of trial, therefore, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur (Lakari Nabiganj O.P.) P.S. Case No. 277 of 2022, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.



The application stands allowed.

Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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