

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66960 of 2021**

Arising Out of PS. Case No.-229 Year-2020 Thana- BABUBARHI District- Madhubani

Shivam Kumar @ Shivam Kumar Singh, Son of Bhuwan Singh @
Bhuvneshwar Singh, Resident of Village- Sonmatti, P.S.- Babubarhi, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Md. Sakir Ahmad, APP

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

2 13-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.Md.
Sakir Ahmad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Babubarhi P.S. Case No.229 of 2020 registered
for the offences punishable under Sections 363/366(A)/34 of the
Indian Penal Code. He is in custody since 06.06.2021. The
petitioner has got no criminal antecedent.

As per the prosecution story, the two minor daughters
of the informant and his niece were kidnapped by five accused
persons for solemnizing marriage. This occurrence took place



on 12.08.2020 at 2.00 am. An information in this regard was given to the police station on 14.08.2020 and it is stated that the FIR was sent to the court of learned Chief Judicial Magistrate on 16.08.2020.

Learned counsel for the petitioner submits that out of three girls, two girls returned on 23.08.2020, their statements were recorded under Section 164 Cr.P.C. and both of them have stated that as their uncle used to beat them, they had fled away from their house on their own free will.

One of the daughters of the informant was produced by the I.O. on 07.06.2021 and her statement has been recorded under Section 164 Cr.P.C. in which she has stated that she is aged about 17 years and had gone to Delhi with the petitioner on her own sweet will where she has solemnized marriage with him. She has not supported the prosecution case.

Learned counsel submits that now in the nature of the present dispute the parties have also entered into a compromise.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering the nature of the allegations and the materials as has been brought to the notice of this Court and discussed hereinabove and further considering that the petitioner has remained in custody in



connection with this case since 06.06.2021 which is almost one year by now, his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhubani in connection with Babubarhi P.S. Case No.229 of 2020, 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 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

