

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59529 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- MADHEPURA District- Madhepura

Mannu Kumar @ Abhimannu Kumar Son of Jay Narayan Yadav @ Janardan
Ray R/V- Sukhasan, P.S and Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366(A)/34
of the Indian Penal Code and Section 25(1-b)a, 26, 37(b) of
Arms Act.

According to prosecution case, in brief, is that the
informant Baso Yadav gave a written application to S.H.O.,
Madhepura police station and alleging therein that on
17.06.2021 her minor daughter-in-law (Natani) was kidnapped
by three unknown persons. One of them was caught hold on the



spot by the villagers and he is identified as Aditya Kumar. He disclosed the two fled persons as Manu Kumar (petitioner) and Navin Kumar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the petitioner was in love with the grand-daughter of the informant and the victim had gone with the petitioner on her own sweet will.

Learned counsel for the petitioner further submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner in temple and she wants to live with her father-in-law and mother-in-law. He further submits that petitioner was not arrested at the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that in view of the aforesaid there is no case is made out under Section 366(A) I.P.C. and Sections 25(1-b)a, 26, 37(b) of Arms Act against the petitioner.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Madhepura P.S. Case No. 481 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 witnesses, 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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