

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59731 of 2022

Arising Out of PS. Case No.-352 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Niraj Panday @ Niraj Kumar Panday S/o Ganga Dayal Pandey @ Deen Sayal
Pandey R/o village- Khempur, P.S.- Khempur, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mohania P.S. Case No.352/2022 registered for the offences punishable under Section 366A/34 of the Indian Penal Code. He is in custody since 03.07.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the allegation against the petitioner is that he had kidnapped the minor daughter of the informant with an intention to marry her.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that it is a case of love affair



between the petitioner and the informant's daughter. It is submitted that the petitioner is in custody in connection with this case since 03.07.2022 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that it is a case of love affair between the petitioner and the informant's daughter, photographs and Whatsapp chats have been placed before this Court to demonstrate that it was the informant's daughter who had called the petitioner and had asked him to come for marriage otherwise she would kill herself, the adhar-card showing that the daughter of the informant was major on the relevant date and the pictures of the petitioner and daughter of the informant in wedding clothes and further that the petitioner is in custody in connection with this case since 03.07.2022, the investigation against him is complete, he has otherwise no criminal antecedent and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, therefore, this Court directs release of the petitioner above named 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No.352 of 2022, subject to the conditions 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

