

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21069 of 2023

Arising Out of PS. Case No.-102 Year-2017 Thana- VAISHALI District- Vaishali

=====

KRISHNA KANHAIYA @ RAJA BABU S/O BIJENDRA PASWAN @
MOTILAL PASWAN R/O VILLAGE- MANSOORPUR, P.S -VAISHALI,
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 102 of 2017 registered for the offence under
Sections 366 and 366(A)/34 of the Indian Penal Code.

The petitioner along with his companion is alleged to
have kidnapped the daughter of the informant with bad
intention.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that in fact the matter has been compromised between the



parties and they have filed a compromise petition dated 24.08.2018 before the learned trial court. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has stated that the petitioner has forcefully performed marriage with her in the Court and thereafter she has been taken to Gujarat and when the father of the petitioner went there, she brought back to her home. He further submits that the victim has already performed marriage with one Awadhesh Paswan in the year 2018 itself. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.02.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has kidnapped her and committed wrong with her.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 102 of 2017 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

