

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26770 of 2023

Arising Out of PS. Case No.-65 Year-2021 Thana- MADHUBAN District- East Champaran

DIPAK KUMAR SON OF MAHADEV THAKUR RESIDENT OF
VILLAGE- SAWANGIYA, PS- MADHUBAN, DISTT- EAST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Madhuban P.S. Case No. 65 of 2021 registered for the offences punishable under Sections 363/ 366 (A) of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 27.02.2021 at about 11:27 P:M a message came on the informant's mobile number 9525599541 from mobile no. 9324807024 for making call and after that a call came from mobile no. 7493017380. It is further stated in the written application that the marriage of the informant's daughter was fixed on 25.05.2021 and the informant's daughter was talking to the boy. It is further alleged that the informant's daughter told her that she was going to bathroom and when she did not return after ten minutes, the informant and others started searching her in the



neighbourhood, but she was traceless.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has otherwise no criminal antecedent.

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

6. Having regard to the facts and circumstance of the case, considering the age of the victim girl being 18 years as reflecting from the FIR and her statement under Section 164 Cr.P.C. wherein otherwise no indecent act has been alleged against the petitioner, learned APP for the State has also after going through the case diary has submitted that there is otherwise no implicating material against the petitioner, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Madhuban P.S. Case No. 65 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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