

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32641 of 2023**

Arising Out of PS. Case No.-177 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Shubham Kumar Srivastava @ Shubham Kumar Son Of Manoj Kumar  
Srivastava Resident Of Village- Jhapaha Deeh, P.S -Ahiyapur Dist-  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-10-2023                      Heard learned counsel for the petitioner and Mr.  
Satya Nand Shukla, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 177 of 2021, F.I.R. dated 09.03.2021 registered for the offences punishable under Section 363, 366(A)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 03.03.2021, accused persons including the petitioner are alleged to have kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner never kidnapped the daughter of the informant. Learned counsel for the petitioner further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has not supported the case of the prosecution and she has categorically stated that she was in love with the petitioner and the petitioner has not abducted her and she was living with him on her own sweet and will.

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

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 177 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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