

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46504 of 2022**

Arising Out of PS. Case No.-152 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

PIYUSH KUMAR Son of Dularchand Ram Resident of Village - Siyapokhar,
P.s.- Mohania, Distt.- kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey,Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Mohania P.S. Case No. 152 of 2022 for the offence registered under Sections 366(A) and 363 of the Indian Penal Code.

As per the FIR, the informant has alleged that his 16 years old daughter has been taken away by the petitioner herein along with all the certificates and documents. The informant further alleged that having come to know about the relationship, the girl was restrained from talking to the petitioner, still the present incident happened.



It was earlier submitted by the learned counsel for the petitioner that he is a student pursuing studies in 'Varanasi', and the informant family wanted to get the victim girl married to him and upon refusal by the family members, the present FIR was lodged.

Earlier, the argument advanced by learned counsel for the petitioner was that the girl eloped with the other person and as such the case was adjourned enabling him to bring it on record.

A supplementary affidavit has been filed in which at paragraph 3 it has been stated that the victim girl eloped with one Anil Paswan son of Ghura Paswan, Resident of village-Mohania, ward No. 7, P.S.-Mohania, District-Kaimur at Bhabua.

Considering the statement that has come on record as also the fact that he is a student, do not have criminal antecedent, is a young boy of 20 years, putting him in jail with hardened criminals will ruin his future, this Court is inclined to extend him privilege of anticipatory bail with conditions.

If however, it is found that the statement made in the supplementary affidavit is wrong, the order shall become infructuous.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M, Kaimur at Bhabua in connection with Mohania P.S. Case No. 152 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall co-operate in the investigation



and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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