

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42040 of 2023**

Arising Out of PS. Case No.-746 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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PANKAJ PASWAN @ PANKAJ KUMAR S/O LALBABU PASWAN R/O
VILLAGE- SIRSA, PS. MOTIHARI MUFFASIL, DIST. EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the learned Counsel for the petitioner and Mr.

Uday Chand Prasad who represent the State.

The petitioner apprehend his arrest in connection
with Motihari Muffasil P.S. Case No. 746 of 2022 for the
offence punishable under Sections 363, 366, 504, 506, 34 of the
I.P.C lodged on. 19.10.2022 by the informant Anita Kumari.

As per the prosecution story, the allegation is that the
petitioner took away the girl who later returned with her father
and thereafter, the FIR was lodged.

It is the case of the petitioner that as per their own
showing, the girl is 18 years old, was in love with the petitioner
and went to Hyderabad, married and one fine morning, she
disappeared with the ornaments/cash for which an infomatory



petition was also filed by the petitioner in Hyderabad

Learned APP opposes the prayer stating that allegation is of taking away the girl.

Considering the aforesaid facts that the girl disappeared, no FIR was lodged, subsequently she returned and after lapse of time *inasmuch* as she lodged the present FIR on 19.10.2022, as narrated by the learned counsel for the petitioner she was 18 years of age at the time of occurrence and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate Class Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 746 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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