

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41151 of 2022

Arising Out of PS. Case No.-975 Year-2021 Thana- PHULWARISHARIF District- Patna

VISHNU KANT Son of Mantu Singh Resident of village- Karai, P.S-
Naubatpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 20-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defects, as pointed out by the office, if any, be
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since
22.11.2021, in connection with Sessions Trial No. 22 of 2022
arising out of Phulwarisharif P.S. Case No. 975 of 2021, F.I.R.
dated 14.11.2021 registered for the offences punishable under
Sections 365, 366(A), 504, 506 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant's
daughter is traceless since 14.11.2021 and her daughter was
minor and was allured by accused petitioner Vishnu Kant. It is
further alleged that he searched for his daughter and came to
know that a girl and two boys were going in four wheelers



vehicle in morning at 7:30 A.M. and accused petitioner uploaded his photo with his daughter on his facebook account. It is further alleged that his daughter was abducted by Vishnu Kant and Saurabh Kumar @ Shantu and when the informant made inquiry from the parent of accused, they started abuse and told that his daughter had married with his son.

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 in fact the petitioner and the victim was in love and they fled away from the house on her sweet will and the victim girl was recovered and statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has not committed any wrong with her. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.11.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, 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 A.D.J. XVII, Patna in connection with Sessions Trial No. 22 of 2022 arising out of Phulwarisharif P.S.



Case No. 975 of 2021, subject to 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 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 antecedents, 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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