

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45598 of 2023

Arising Out of PS. Case No.-69 Year-2020 Thana- LALGANJ District- Vaishali

PRABHAT KUMAR @ PRABHAT SAHNI S/O BABAN SAHANI R/O
VILLAGE- KHAJAULI, PS. LALGANJ, DIST. VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023

Heard the parties.

The petitioner is apprehending his arrest in connection with Lalganj P.S. Case No. 69 of 2020 for the offence under sections 363, 366(A)/34 of the I.P.C. lodged on 04.03.2020 by the informant, Poonam Devi.

As per the prosecution story, the daughter of the informant got missing and as she failed to return, she alleged that the accused persons have kidnapped her. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that for an occurrence of 25.02.2020, the F.I.R. was lodged on 04.03.2020. Further, the girl has made statement under section 164 of the Cr.P.C. stating that she left the place on her own with the petitioner, got herself married and as per the petition, further, the



couple is blessed with a female child.

Learned APP opposes the prayer but concedes that as per the 164 Cr.P.C. statement, the girl has narrated that she was not kidnapped rather she has married with the petitioner.

Considering the aforesaid facts as also that the girl is married to the petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 69 of 2020 subject to the conditions 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/her 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 his bail bonds.

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

(Rajiv Roy, J)

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