

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47671 of 2023

Arising Out of PS. Case No.-159 Year-2021 Thana- NAGARNAUSA District- Nalanda

NITISH KUMAR S/o- DOMAN SINGH Village- Moniyampur Ps-
Nagarnousa Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Nagarnousa P.S. Case No. 159 of 2021 instituted under under Section 366(A), 34 of the Indian Penal Code lodged on 24.10.2021 by the informant, Sanjay Kumar.

As per the prosecution story, the informant alleged that his minor daughter went to attend nature's call but failed to return and he has strong belief that the petitioner herein took her away. Accordingly, the FIR.

Learned counsel for the petitioner submits that the girl subsequently returned and under section 164 of the Cr.P.C. gave statement that she was in relationship with the petitioner and was pregnant at that relevant time.

Learned APP opposes the prayer stating that the girl



was minor at the time of occurrence.

Considering the statement made by the victim girl under section 164 of the Cr.P.C. (Annexure-2 to the petition) in which she herself has stated her age to be 19 years, was in relationship with the petitioner, claims to have married him and was pregnant at that relevant time, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Nagarnousa P.S. Case No. 159 of 2021 to the satisfaction of learned ACJM, Hilsa, Nalanda subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make himself available to the police as and when required;

(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.

(Rajiv Roy, J)

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