

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52554 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Pawan Kumar Son Of Lalan Thakur Resident Of Village- Madhuahan Brit,
P.S. -rajepur, Dist.- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Adv.
	:	Ms. Shweta Anand, Adv.
	:	Ms. Aastha Ananya, Adv.
For the Opposite Party/s	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Siwaipatti P.S. Case No. 24 of 2023 lodged under Sections 363,
365, 366A, 120B and 34 of the I.P.C.

3. As per the prosecution case, the present F.I.R. has
been lodged against 4 named accused persons including the
present petitioner. It has been alleged in the F.I.R. that the 3
named accused persons have kidnapped the daughter of the
informant either with a view to marriage or sale.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the specific allegation is against the accused,
namely, Rohit Kumar and against the petitioner that he has
helped the accused Rohit Kumar in commission of the said act.
He submits that case diary and statement under Section 164 of

the Cr.P.C. has been called for. The victim Suhani Kumari who was alleged to be kidnapped as per the F.I.R. by Rohit Kumar has narrated her statement before the Magistrate under Section 164 of Cr.P.C. in which she has disclosed that she and Rohit Kumar were studying together in same High School, they fell in love and on 23.01.2023, she left her house alone and reached at the house of Rohit Kumar at about 1 PM, thereafter they went Nepal, solemnized marriage and they resided in Nepal for about 8 months. When they were returning to their house then near SSB Camp, they were caught, and subsequently, she was produced before Muzaffarpur Court. It has been specifically stated that Rohit Kumar is not involved in her kidnapping and she has also disclosed that she went to the house of Rohit with her own will. It has also been disclosed that none have kidnapped her.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and in the light of the statement made under Section 164 of the Cr.P.C., let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (East), Muzaffarpur

in connection with Siwaipatti P.S. Case No. 24 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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