

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55397 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

VIKENDRA KUMAR @ BIKENDR KUMAR Son of Radheshyam
Choudhary R/o vill - Sonaw, P.S. - Kudra, Distt. - Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 Heard Mr. Dharmendra Kumar Singh, learned
counsel for the petitioner and Mr. Kumar Ranjit Ranjan, learned
APP for the State.

2. The petitioner is apprehending his arrest
connection with Kudra P.S. Case No. 310 of 2022, F.I.R. dated
08.11.2022 registered for the offences punishable under
Sections 363, 366(A)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
30.11.2022 at about 10:20 P.M. accused persons including the
petitioner is alleged to have kidnapped the minor daughter of the
informant for the purpose of marriage.

4. 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 the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. IS 30.10.2022 and the F.I.R. was instituted on 08.11.2022 after the victim girl returned. He further submits that the petitioner has not committed any offence and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has not stated that the petitioner was doing wrong with her and she has stated that she has performed the marriage with one Dhannu Kumar.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 310 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 antecedent, 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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