

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59025 of 2023

Arising Out of PS. Case No.-406 Year-2022 Thana- BARHARIA District- Siwan

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Brajesh Mishra S/O Late Mahatam Mishra @ Mahatma Mishra R/O Village-
Bhalui, P.S- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Bharat Lal,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr.Bijay Prakash Singh, learned counsel for
the petitioner and Mr.Bharat Lal, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barharia P.S.Case No.406 of 2022, FIR dated
12.09.2022 registered for the offences punishable under
Sections 363,366(A),34 of IPC.

3.The prosecution case, in short, is that on
02.09.2022, accused persons including the petitioner are alleged
to have kidnapped the minor daughter (the victim) of the
informant aged about 16 years for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. The allegation as alleged in the FIR is false



and fabricated and the petitioner has not committed any offence as alleged in the FIR. Petitioner is named in the FIR.

5. The victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner and other co-accused persons have abducted her but in the next paragraph she has stated that she has performed the marriage with one of the co-accused persons as mentioned in paragraph-2A of the statement of the victim under Section 164 Cr.P.C.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No.406 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her 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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