

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59658 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Rajesh Kumar S/O Chhattu Singh Village Kotwali Thana Nawada Bazar
District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Jagdishpur (Goradih) P.S. Case No. 244 of 2023, F.I.R. dated 07.06.2023 registered for the offences punishable under Sections 366/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons kidnapped the 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. and in fact the petitioner was in love with the victim and they have performed the marriage. Learned counsel for the petitioner further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has supported the contention of the petitioner that she has performed the marriage with the petitioner and also stated in her statement that she is living with the family members of the petitioner.

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

6. Considering the aforesaid facts and circumstances of the case that the petitioner has performed the marriage with the victim, 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, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 244 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-



(1) One of the bailors should be the victim namely Resham Kumari.

(2) 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.

(3) 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.

(4) 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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