

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61538 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Sonu Kumar S/O Jay Kishor Das (WRONGLY Mentioned As Nand Kishore Das In Fir) R/O Village- Kanhauli Bishundut, Ps- Mithanpura, Dist- Muzaffarpur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2023 Heard Krishna Chandra, learned counsel for the petitioner and Mr. Saneeta Sharma, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Mithanpura P.S. Case No. 150 of 2023 instituted under under Sections 366(A)/34 of the Indian Penal Code lodged on 7.4.2023 by the informant, Bikram Ram.

3. As per the prosecution story, when the informant woke up in the morning, allegation is that he found his minor daughter missing and further came to know that Sonu Kumar along with his family members kidnapped her. He went to the house of Sonu Kumar (petitioner) and came to know he too is missing. Accordingly, the FIR.

4. It is the case of the petitioner it was love affairs which turned sour. Further, as per the school certificate she was 17 years 10 months of age on the date of occurrence and not a minor. He submits that though she has made allegation in line



with the FIR, the fact remains that she refused to undergo any medical examination.

5. Learned APP on the other hand submits that she was short by two months and thus was not 18 years of age and will come under the category of minor.

6. Considering the fact that has been submitted by the learned counsel for the petitioner and taking into account that the girl refused to undergo medical examination, she was 17 years and 10 months at the time of occurrence, the petitioner himself is 18 years of age and do not have criminal antecedent, FIR lodged, ultimately will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Mithanpura P.S. Case No. 150 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur (East) 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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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