

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64519 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- CHANDI District- Bhojpur

LAWKUSH KUMAR S/O BANDHU YADAV R/O VILLAGE-
NARBIRPUR, PS. CHANDI, DIST. BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chandi P.S. Case No.28 of 2023 , F.I.R. dated 01.02.2023 registered for the offence punishable under Sections 366(A) IPC.

3. The prosecution case, in short, is that informant's daughter gone to Chandi Chawk and had not returned and mostly searched but she had not traced out. Informant notified that co-accused Akash Kumar and Lawkush Kumar kidnapped the victim girl. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that in 164 Cr.P.C. statement of the victim she did not disclose anything about the petitioner



and she has stated in 164 statement that she had performed the marriage with the co-accused person namely Aakash Kumar.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner is named in the FIR and he was involved in present crime in question and he along with other co-accused person kidnapped the victim girl and the co-accused had performed the marriage with the victim and the victim is minor.

6. Considering the aforesaid facts that the victim has not stated anything about the petitioner in her 164 Cr.P.C. statement and she performed the marriage with the co-accused persons namely Aakash Kumar, 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 anticipatory 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 ACJM, Bhojpur at Ara in connection with Chandi P.S. Case No.28 of 2023, 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 criminal antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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