

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68634 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Vikash Choubey, Son of Anil Kumar Choubey, Resident of Village-
Fakharabad, P.S.-Kudra, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For the Informant	:	Mr. Alok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Mohania P.S. Case No.200 of 2023 registered for the offences punishable under Sections 365, 366, 302, 328 and 201/34 of the Indian Penal Code. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 17.03.2023 at about 2.00 pm the daughter of the informant went to Panapur Mazar for worship, but did not return to her house. It is alleged that one Umesh Tiwari has kidnapped her with an intention to marry her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. Learned counsel submits that there is no allegation of any overt act against the petitioner.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case appearing from the observations made in the impugned order, the nature of the allegation that the accused Umesh Tiwary had stated to the petitioner about the crime he had committed but the petitioner kept silence and did not inform it to any authority, there being no allegation that the petitioner had indulged in commission of any crime and/or has played any role in relation to the said crime, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, District-Kaimur at Bhabua in connection with Mohania P.S. Case No. 200 of 2023, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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