

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75949 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BARAUNI District- Begusarai

Mukesh Kumar S/o Sanatan Tanti R/o Vill. - bathauli Ward No. 07, P.S.-
barauni, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Shubhesh Pandey, learned counsel for the

petitioner and Mr. Nitya Nand Tiwary, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barauni P.S. Case No. 265 of 2022, F.I.R. dated 14.06.2022 for the offences punishable under Sections 366(A), 363/34 of the Indian Penal Code.

3. According to prosecution case, the informant claimed that under a conspiracy all the accused persons have abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been 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 offences as alleged in the F.I.R. He further submits that in fact, the petitioner was in love with the victim and they have performed marriage. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner and at the time of recording of the statement, she was pregnant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Judicial Magistrate 1st cum Additional Chief Judicial Magistrate, Begusarai in connection with Barauni P.S. Case No. 265 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. One of the bailors shall be the victim girl, namely, Anshu Kumari.



ii. 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.

iii. 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.

iv. 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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