

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- BHAGWANPUR District- Begusarai

NITISH KUMAR S/O RAMUCHIT PASWAN Resident of village- Gara,
Ward No- 1, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 35 of 2022 dated 18.02.2022
registered for the offence under Sections 366/34 of the
Indian Penal Code.

The daughter of the informant is alleged to have
been abducted by the petitioner for the purpose of
performing marriage.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this 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. He further submits that it appears from the F.I.R. that the occurrence is alleged to have been committed on 02.02.2022 whereas the F.I.R. has been instituted on 18.02.2022 after delay of 16 days without any explanation of delay. He further submits that it has come during investigation that the victim herself went with her sweet will to the house of her Mausi situated at Dalsingsarai without informing her parents and therefrom she eloped with the petitioner.

Learned counsel for the petitioner further submits that the victim is stated to be a married lady and it could not be presumed that she has been abducted by the petitioner for the purpose of performing marriage. He further submits that the statement of the victim recorded under Section 164 Cr.P.C. appears to be a concocted story. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is



sufficient material available on record to suggest the involvement of the petitioner in the alleged occurrence. He further submits that according to the report of the learned trial court, charge has been framed in this case against the petitioner under Sections 366 and 376 of the Indian Penal Code on 12.07.2023.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned J.M.-1st, Begusarai in connection with Bhagwanpur P.S. Case No. 35 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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