

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9230 of 2024

Arising Out of PS. Case No.-553 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Mithun Kumar @ Mithun Yadav @ Mithun Kumar Yadav Kumar Yadav S/O
LATE BILASH YADAV @ VIKASH YADAV R/VILL- SRI RAMPUR, PS.
NATHNAGAR, DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr.Veena Kumari Jaiswal, APP
For the informant	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, the State as
also the informant, Mr. Niraj Kumar.

2. The petitioner is apprehending arrest in connection
with Nathnagar (Lalmatiya) P.S. Case No. 553 of 2023
instituted under Sections 341, 323, 363, 504, 506, 34 and 366 of
the Indian Penal Code lodged on 2.7.2023 by the informant,
Vinod Kumar Mandal.

3. As per the prosecution story, the informant alleged
that his wife along with 10 months old child, went to deposit Rs.
1,20,000/- in Canara Bank but disappeared thereafter. Later, it
came to his knowledge that this petitioner has taken her away.
When he went to his home, family members abused/assaulted.
Accordingly, the FIR.



4. Subsequently, the victim girl returned and under section 161 of the Cr.P.C., she made statement that she along with the petitioner went away as they were in relationship and her husband used to beat her. Further, her husband is having extra marital relationship and upon opposition, she was always beaten.

5. Learned counsel for the petitioner submits that this statement of the petitioner clearly show that she was in relationship but subsequently under pressure, when the statement under section 164 of the Cr.P.C. was made, she changed the track and made statement against this petitioner.

6. Learned counsel for the informant submits that a perusal of the 164 Cr.P.C. statement would show that the petitioner took the lady away and also made physical relationship without her consent.

7. Having gone through the facts of the case as also the submissions put forward by the parties and going through the earlier version of the victim lady which subsequently got bettered in which she accepted her relationship with the petitioner as also being beaten by the informant, this petitioner do not have criminal antecedent and as per the submission of the learned counsel for the petitioner, he is preparing for



competitive exam, FIR lodged, will be facing the trial, putting him in jail may not serve any purpose, in that background, this Court is inclined to extend him privilege of anticipatory bail.

8. 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 Nathnagar (Lalmatiya) P.S. Case No. 553 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur 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 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;

(v) 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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