

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9250 of 2024

Arising Out of PS. Case No.-683 Year-2023 Thana- BANKA District- Banka

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SUNIL KUMAR @ SUNIL PASWAN S/O- ADITIYA PASWAN R/O-
VILLAGE- HASANPUR, P.S.- PALIGANJ, DIST.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Banka P.S. Case No. 683 of 2023 instituted under Sections 366, 504, 506, 323, 379, 34 of the Indian Penal Code lodged on 13.10.2023 by the informant, Pachhu Paswan.

3. As per the prosecution story, the informant has alleged that his daughter went to the market but failed to return. Later, he came to know that Ankit Kumar alongwith family members has taken her away for marriage purposes to Delhi. When he went to the family members, abused as also snatching of the golden chain is alleged. Accordingly, the FIR.

4. Learned counsel for the petitioner submits he is maternal uncle of accused Ankit Kumar, the allegation is against



him of taking the girl away, his only fault is he has a home in Delhi where Ankit Kumar along with the girl stayed. He never realized that it is a case of kidnapping.

5. Learned APP opposes the prayer stating that taking the girl, the main accused Ankit took her to the petitioner's house in Delhi.

6. Having gone through submissions of the parties as also the record, admittedly, main allegation is against Ankit Kumar that he took the victim girl with him, the only allegation against the petitioner is giving shelter to them, do not have criminal antecedent, is the maternal uncle, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Banka P.S. Case No. 683 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Banka 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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