

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13965 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- RIVILGANJ District- Saran

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Golu Tiwary Son of Ashok Tiwari R/o Village- Tekniwas, P.S.- Rivilganj,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Rivilganj P.S. Case No. 200 of 2023 instituted under Sections 366(A) of the Indian Penal Code lodged on 3.7.2023 by the informant, Satyendra Kumar Sah.

3. As per the prosecution story, the informant alleged that her nieces went out but failed to return. As they were in contact with Rohit Kumar and Monu Kumar and were found talking with them, the suspicion was that they had taken them away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the alleged occurrence took place on on 1.7.2023 whereas the FIR was lodged two days later. Further, from their own showing both of them had gone along with Rs. 5000/-, the Bank account, pass-book and Aadhar card with Rohit Kumar and Monu Kumar. The



petitioner has no role to play in the matter although the learned Sessions Judge has made observation about him, the story as unfolded, clearly shows that it was Rohit Kumar and Monu Kumar with whom the girl went away.

5. Learned APP opposes the prayer stating that his name has come in the observation of the learned Sessions Judge.

6. Taking into account the fact that the girls moved along with the pass-book and other documents, they were in talking term with Rohit Kumar and Monu Kumar, the petitioner may have been a facilitator, do not have criminal antecedent and as per the submissions put forward by the learned counsel for the petitioner, he is a student, 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 Rivilganj P.S. Case No. 200 of 2023 to the satisfaction of learned J.M.-1st Class, Saran at Chapra 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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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