

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21202 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- KHUTAUNA District- Madhubani

Premchand Kumar @ Premchandra Kumar Son Of Pramod Mal @ Pramod
Yadav Resident Of Village - Katbasa, P.S. - Phulparas, District - Madhubani
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khutauna P.S. Case No.67 of 2023, F.I.R. dated 01.06.2023 registered for the offence punishable under Sections 363, 366A/34 of the IPC.

3. The prosecution case, in short, is that on 01.06.2023 informant's daughter had gone to stitch her cloths in the evening, but did not return. After two hours' when informant went to trace out her daughter then she came to know that the accused persons including the petitioner have kidnapped her minor daughter for the purpose of marriage and taken her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated



in the present case. It is next submitted that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R., in fact the petitioner had love affair with the victim girl. He further submits that the statement of the victim girls were recorded under Section 164 of the Cr. P.C. in which she had stated that she herself went out with the petitioner and solemnized marriage with him as also both are living together as husband and wife.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No.67 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) On of the bailor should be the victim girl of this



case, namely, Guriya 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 bonds shall be cancelled by the Court below.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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