

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18923 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- MADHAURAH District- Saran

Sonalal Kushwaha @ Sonalal Singh S/o Dharmnath Prasad @ Dharmu Singh
@ Dharmveer Singh @ Dharmnath Singh R/o Vill - Damodarpur, P.O. -
Mirzapur, P.S. - Morhowrah, Dist. - Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2024 Heard Mr. Abhijeet Abhigyan, learned Counsel for
the petitioner and Mr. Uday Chand Prasad, learned APP for the
State.

2. The petitioner is apprehending his arrest in
connection with Morhowrah P.S. Case No. 388 of 2023, F.I.R.
dated 28.06.2023 registered for the offences punishable under
Section 366(A) of the Indian Penal Code.

3. According to prosecution case, the petitioner
along with other accused persons kidnapped the minor daughter
of the informant with an intention to get married with the
informant's daughter.

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



implicated in the present 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. It is further submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the petitioner and she has not alleged that the petitioner has committed anything wrong with her.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 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 Court of Chief Judicial Magistrate, Saran at Chappra in connection with Morhowrah P.S. Case No. 388 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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