

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19914 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- LALGANJ District- Vaishali

JAGDISH KUMAR Son of Jagdeo Das Resident of Village-Jalalpur, P.S.-
Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shyameshwar Kumar Singh, Advocate
	:	Mr. Kanchan Kumari, Advocate
	:	Mr. Chitanya Swaroop, Advocate
For the Opposite Party/s :	:	Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Shyameshwar Kumar Singh, learned
counsel for the petitioner and Mr.Abhay Kumar Roy, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lalganj P.S. Case No.173 of 2022, F.I.R.dated 14.05.2022, registered for the offences punishable under Sections 363,366(A)/34 of the Indian Penal Code.

3. It is alleged in the FIR that on 07.05.2022 when the informant came from his house at about 11.00 PM he did not find his daughter Anisha Kanari at his home and after search he came to know from his neighbour that accused persons namely Jagdeo Das, Shushila Devi, Kamlesh Kumar, Chandeshwar Das, Rajesh Das, Sushita Devi and Jagdish Kumar have taken



away his daughter to somewhere.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner was in love with the victim girl and he has performed the marriage with the victim girl on 07.05.2022 at Anwarpur, Shiv Mandir and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner and the petitioner is living with the victim girl, namely, Anisha Kumari, and the father and mother of the petitioner, namely, Jagdeo Das and Shushila Devi have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 05.12.2022 passed in Cr. Misc. No.44716 of 2022.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, he has performed the marriage with the victim girl and they are living happily as husband and wife, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, Vaishali at Hajipur in connection with Lalganj P.S. Case No.173 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) One of the bailors should be the victim, namely, Anisha 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of 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/her 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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