

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34132 of 2024

Arising Out of PS. Case No.-113 Year-2021 Thana- KALYANPUR District- East Champaran

Bhola Ray @ Bhola Kumar Son of Sita Ray @ Shital Rai Resident of village
- Pakari Dixit, P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 113 of 2021 for the offence under Sections 363, 366 and 34 of the I.P.C. lodged on 18.05.2021 by the informant, Sandeep Kumar Patel.

3. As per the prosecution story, the informant alleged that in the night of 24.04.2021, Bittu Kumar and his family members came which included this petitioner and took away the wife and child Sangam Kumari on the pretext of marriage. They also took away the cash and other gold ornaments. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of him being the brother of co-accused Bittu Kumar @ Bittu Patel with whom the wife of the informant has gone, he has



been implicated. He submits that the lady has recorded her statement under Section 164 of the Cr.P.C. and according to it, the main allegation is against Bittu Kumar @ Bittu Patel, the brother of the petitioner.

5. Learned APP opposes the prayer submitting that his name has also come in the FIR of having helped Bittu Kumar @ Bittu Patel.

6. Taking into account the aforesaid facts as also that the main allegation is against Bittu Kumar @ Bittu Patel, the brother of the petitioner, the lady upon return under Section 164 Cr.P.C has not stated anything about him, is twenty one years of age and do not have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 113 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member/relative 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 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;

(iv) 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)

Adnan/-

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