

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36135 of 2024

Arising Out of PS. Case No.-236 Year-2022 Thana- BHELDI District- Saran

1. Sumit Kumar son of Dilip Singh village- Sirsa Bali Ps- Derni Dist- Saran at Chapra
2. Anurag Kumar son of Dilip Singh Village- Sirsa Bali Ps- Derni Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioners and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bheldi P.S. Case No. 236 of 2022, F.I.R. dated 28.06.2022 for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have kidnapped the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners



have not committed any offence as alleged in the FIR in fact the daughter of the informant was in love with the petitioner no.2, namely, Anurag Kumar and both of them have performed the married with each other. He further submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed the marriage with petitioner no.2 and she wants to live with petitioner no.2 and his family members.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent, statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner no.2, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. XI, Saran, Chapra in connection with Bheldi P.S. Case No. 236 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. Petitioners 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.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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