

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35665 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- BISFI District- Madhubani

Rajan Thakur S/o Kailash Thakur R/O Vill- Madhupur, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-11-2024 Heard Mr. Pintu Kumar Patel, learned counsel for the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bisfi P.S. Case No. 92 of 2023, F.I.R. dated 17.03.2023 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

3. As per prosecution case, it is alleged by the informant that her minor daughter on 15.03.2023 at about 7 O'clock in the evening had gone to the shop for purchase the goods but she did not return till night. On search it came to know that she is abducted by the accused persons including the petitioner with an intention to marry with co-accused Rajan Thakur.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedents 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 as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 15.03.2023 but the present F.I.R. was instituted on 17.03.2023 after delay of two days without giving any explanation of delay. He further submits that the petitioner has been made accused merely on the ground that the petitioner was in love with the victim.

5. Learned counsel for the petitioner further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has not supported the case of the prosecution and apart from that as per medical report of the victim no sign of physical assault was found on the person of the victim. He further submits that two other co-accused persons namely Kailash Thakur and Gayatri Devi have been granted bail by a coordinate Bench of this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 18965 of 2024.

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

7. Considering the facts and circumstances of the



case and the fact that the petitioner having clean antecedent as well as the victim has not supported the case of the prosecution in her 164 statement, 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 A.C.J.M. I, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 92 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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