

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41301 of 2024

Arising Out of PS. Case No.-314 Year-2022 Thana- MANJHAGARH District- Gopalganj

1. Akhilesh Kumar son of Ramnath Bhagat
2. Ramnath Bhagat @ Ramanath Bhagat son of Sarug Bhagat @ Saryug Bhagat.
Both R/o Village- Mujauna Pathra Ps- Manjhagarh Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr.Shashank Shekhar, learned counsel for

the petitioners and Mr.Ram Priya Sharan Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Manjhagarh P.S.Case No.314 of 2022, FIR dated 07.10.2022 registered for the offences punishable under Sections 363,366(A) and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 16.09.2022, accused persons including the petitioners are alleged to have kidnapped the minor daughter (the victim) of the informant aged about 13 years.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. In fact the victim was in love with the petitioner No.1 and the allegation as alleged in the FIR is false and fabricated and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner No.1 and apart from that, the medical report of the victim suggests that her age is about 17 to 19 years.

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

6. Considering the aforesaid facts, petitioner No.1 has performed the marriage with the victim and the petitioner No.2 is father of petitioner No.1, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No.314 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, Soni Kumari.

(II) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(III) 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.

(IV) 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 antecedents, the court below shall take step for cancellation of bail bond 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)

Nitesh/-

U		T	
---	--	---	--

