

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40052 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- HATHUA District- Gopalganj

Arbind Kumar @Arvind Kumar S/O Om Nath Sah, R/O Village-
Manichhapar, P.S.- Hathua, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Lokesh Kumar Singh, the learned counsel
for the petitioner and Mr. Parmanand Prasad, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Hathua PS Case No. 264 of 2023, FIR dated
09.11.2023, registered for the offence punishable under Section
366(A) of the Indian Penal Code.

3. According to the prosecution case, the daughter of
the informant and her co-villager went to Mani Chhapar to
attend class, but when they did not return till evening, the
informant and others started searching for them and the in the
course of search, they came to know that the petitioner along
with co-accused person had kidnapped the victims for the
purpose of solemnizing marriage.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the date of occurrence as alleged in the FIR is 02.11.2023, while the FIR has been instituted on 09.11.2023, after a delay of seven days, without giving any explanation of delay. He further submits that in fact, the petitioner was in love with the victim and they have performed marriage. Apart from that, the victim, in her statement recorded under Section 164 of the Cr.P.C., has firmly stated that she has performed marriage with the petitioner. He lastly submits that in view of the statement of the victim recorded under Section 164 of the Cr.P.C., no case is made out against the petitioner.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Gopalganj, where the case is pending in connection with **Hathua PS Case No. 264 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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