

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42531 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- CHHAURADANO District- East
Champaran

=====

Prem Kumar, Male, aged about 35 yrs., Son of Harishankar Rai, Resident of
village - Banjariya, P.S.- Chhauradano, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Rajesh Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Arun Kumar Singh, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chhauradano P.S. Case No. 295 of 2023, registered for the
offence punishable under Sections 366 and 379/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, while the
informant was sleeping, he found his wife and son, namely,
Prince Kumar, were not present on the bed, which called for
lodging of the FIR for kidnapping against the petitioner on
suspicion.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner has not committed any allegation as alleged in the FIR. The victim on her own, had accompanied him and also stayed for few days in his rented house as per her own wish. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that the victim has not filed the FIR and *prima facie* it appears that the victim, on her own, had gone with the petitioner without informing the informant, who is her husband. Her statement recorded under Section 164 of the Code of Criminal Procedure is also not convincing for the reason that she may have been tutored by the informant. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran, in connection with Chhauradano P.S. Case No. 295 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

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

