

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42479 of 2024

Arising Out of PS. Case No.-180 Year-2022 Thana- CHIRAIYA District- East Champaran

Prakash Kumar Singh @ Prakash Kumar Son Of Birendra Singh @ Birendra Prasad Singh Village- Senuwariya, Po- Mistrauliya, Ps- Chiraiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Nishant Kumar Sinha, learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 180 of 2022, F.I.R. dated 15.04.2022 for the offences punishable under Sections 363, 366 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with others is said to have forcibly taken the daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR in fact the victim was in love with the petitioner and she has performed with marriage with the petitioner. He further submits that the petitioner has filed a Cr.W.J.C. No. 1035 of 2022 a writ of Habeas Corpus against the forceful confinement by girl's father which was disposed on 03.01.2024 which suggests that the victim is living with the petitioner as husband and wife. He further submits that other co-accused person, namely, Birendra Singh has already been granted anticipatory bail by this Court vide order dated 02.11.2022 passed in Cr. Misc. No. 39299 of 2022 and other co-accused person, namely, Shakuntala Devi has also been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Mic. No. 20265 of 2023.

5. 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 and the fact that petitioner having clean antecedent, he has performed the marriage with the victim before the Marriage Registration office, Sadar First, Ghaziabad, Uttar Pradesh and



other co-accused persons have already been granted anticipatory bail by this Court and by the co-ordinate Bench of this Court, let the petitioner, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 180 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. 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.

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 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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