

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42511 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- KAHALGAON District- Bhagalpur

Prince Kumar @ Abhishek Raj S/O Arbind Prasad Yadav R/O Vill - Shiv
Kumari Pahar, Block Road, P.S. - Kahalgaon, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2024 Heard Mr. Swapnil Kumar Singh, learned counsel

for the petitioner and Ms. Asha Kumari, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
16.05.2024, in connection with Kahalgaon P.S. Case No. 177 of
2024, FIR dated 12.03.2024 registered for the offence under
Sections 354, 354A, 354D, 335, 509 and 34 of the Indian Penal
Code.

3. As per the prosecution case, petitioner used to
stalk the informant while she was returning from coaching. On
11.03.2024 while the informant was going to university to fill
the form, the petitioner forcibly put vermilion on head of
informant and ran away with motorcycle.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further



submits that the allegation as alleged 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 present FIR has been instituted only to pressurize the informant for marriage and the informant is not the stranger but she is petitioner's brother's sister-in-law. He further submits that the statement of the sister of the victim, namely, Priyanka Devi was recorded in course of investigation in which she has categorically stated that the petitioner is brother-in-law of the Priyanka Devi. He further submits that from a bare perusal of the FIR it appears that the petitioner has not committed anything wrong with the victim and petitioner has been granted provisional bail vide order dated 06.06.2024 till 30.06.2024 and thereafter the petitioner has surrendered before the learned Court below on 02.07.2024 and he has annexed the surrender certificate with the supplementary affidavit.

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

6. Considering the aforesaid facts, let the, above named, petitioner 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 learned Chief Judicial Magistrate at



Bhagalpur in connection with Kahalgaon P.S. Case No. 177 of 2024 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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