

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45743 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- CHAKIA District- East Champaran

Nitesh Kumar Son Of Late Indal Das Village- Raji Nanhakar, P.S.-
Madhuban, Distt.- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chakia P.S. Case No. 424 of 2023 dated 01.12.2023 instituted for the offence punishable under Sections 366, 368, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner pressurized the informant for marriage and took her to Delhi where he tried to sexually exploit her. However, due to her resistance, he brought her back and kept her in the house of his maternal uncle where his parents and brother also pressurized her for marriage. Thereafter, both the families agreed for the marriage but subsequently, the parents of the petitioner fixed his marriage with some other girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is next submitted that the petitioner and the informant was in love affairs but some dispute arose between them and the



informant lodged a false case against the petitioner. It is next submitted that after realizing the fact, the informant filed a compromise petition before the lower court on 20.01.2024. It is further submitted that the petitioner and his family members wanted to get marry with the informant but the informant's father denied the same and he solemnized his daughter's marriage to another person on 21.04.2024 in Muzaffarpur District. It is further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. does not disclose any illegal act committed by the petitioner. It is further stated that she does not want to pursue the matter. Lastly, it has been submitted that petitioner has clean antecedent.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chakia P.S. Case No. 424 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

annpurna/-

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

