

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47867 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Nawal Kishore Sah @ Nawal Sah Son of Late Yogendra Prasad Sah Resident of village - Ismailpur, P.S.- Hajipur Sadar, Dist.- Vaishali.
2. Bittu Kumar Son of Nawal Sah Resident of village - Ismailpur, P.S.- Hajipur Sadar, Dist.- Vaishali.
3. Priti Kumari Daughter of Nawal Sah Resident of village - Ismailpur, P.S.- Hajipur Sadar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Anil Kumar, learned counsel for the
petitioners and Mr. Binod Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 125 of 2024, F.I.R. dated 11.03.2024 registered for the offences punishable under Section 363, 366(A), 506/34 of the Indian Penal Code.

3. As per prosecution case, it is alleged by the informant namely Rajesh Kumar Sah that her daughter aged about 17 years namely Tannu Kumari had left home for the High School at Minapur Rai and when she failed to return by 4:00 P.M. the informant and his family members went out to look for



and came to know that the petitioner along with other co-accused persons had conspired together and kidnapped the informant's daughter. It has further been alleged later the informant was threatened by the accused namely Vikky Kumar over what's app call on his mobile phone that if he looked for his daughter, she would be killed.

4. Learned counsel for the petitioners submits that the petitioner nos. 2 and 3 having clean antecedent and petitioner no. 1 carries one more case other than the present one in which he is on bail and they have been falsely implicated in the present case merely on the ground that the petitioners are father, brother and sister of co-accused person namely Vikky Kumar. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that she has performed the marriage with co-accused Vikky Kumar who happens to be the son of petitioner no. 1 and she has not stated anything about these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.



6. Considering the facts and circumstances of the case as well as statement of the victim recorded under Section 164 of the Cr. P.C., let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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