

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71729 of 2023

Arising Out of PS. Case No.-456 Year-2021 Thana- VAISHALI District- Vaishali

Chandan Kumar @ Kallu S/O Shambhu Rai @ Shamaprabhu Ray R/O
Village- Khajauli, P.S- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Hemant Kumar, learned counsel for the
petitioner and Mr. Ahmad Ali, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Vaishali P.S. Case No. 456 of 2021, F.I.R. dated 16.11.2021 registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code.

3. Allegation against the petitioner is of kidnapping of informant's minor daughter.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that in fact the petitioner was in love with the victim and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further



submits that the date of occurrence as alleged in the F.I.R. is 13.11.2021 but the present F.I.R. was instituted on 16.11.2021 after delay of three days without giving any explanation of delay. 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 not supported the case of the prosecution case.

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

6. Considering the facts and circumstances of the case that the petitioner having clean antecedent and the victim has not supported the case of the prosecution in her 164 statement, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 456 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers 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 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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