

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81655 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- PURAINI District- Madhepura

Muskan Kumar S/o Arvind Singh R/o Ward No-01, Devidas Tola, P.S-
Puraini, District- Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Babita Devi W/o Kailash Shah R/o Puraini ,Ward No-03, DevidasTola, P.S-
Puraini, District- Madhepura

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar Paswan, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Puraini P.S. Case No. 153 of 2024 dated 04.08.2024, registered for the offences punishable under Sections 137(2), 87, 3(5) of the Bharatiya Nyaya Sanhita 2023.

3. The prosecution case as emerging from the statement of the alleged victim under Section 164 Cr.PC is that the victim is already married to Ankit Kumar. However, earlier she used to talk to the accused Rajeev Kumar and on the date of the alleged occurrence, the accused Rajeev Kumar came to her house along with some persons including the Petitioner and kidnapped her and kept in illegal confinement for 3-4 days. Thereafter, he married her in Tetli Pakda Mandir, at Navgachhia.



Further, he confined her at an unknown place. Thereafter, she was left at the police station. However, no wrong thing has happened to her. Her all ornaments had been taken by Rajeev Kumar. She does not support her marriage with Rajeev Kumar.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the Petitioner. The main allegation is against Rajeev Kumar with whom admittedly the alleged victim has acquaintance and it is Rajeev Kumar who has forcibly kidnapped and married her. He further submits that all these occurrence had taken place on account of previous love affairs between Rajeev Kumar and the alleged victim and the Petitioner is no way involved in the alleged offence. He further submits that the FIR has been lodged with a delay of seven days which further indicates the falsity of the allegation.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently



opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-I, Madhepura in connection with Puraini P.S. Case No. 153 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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