

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78760 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SONEPUR District- Saran

Vivek Kumar Son of Shyam Babu Ray R/o Vill.- Fatehpur Chain, P.S.- Awtar
Nagar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sonpur P.S. Case No. 09 of 2024, F.I.R. dated 03.01.2024 registered for the offences punishable under Sections 366-A, 34 of the Indian Penal Code.

3. As per prosecution case, the co-accused Raja Kumar is alleged to have kidnapped the informant's daughter with the help of her mother and other associates.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. From the F.I.R., it appears that the date of occurrence is 08.12.2023 and family members of the victim has approached the family members of the petitioner on



15.12.2023 but the F.I.R. has been instituted on 03.01.2024. He further submits that the petitioner has been made accused in the present case merely on the ground that the petitioner is the brother of the co-accused namely Raja Kumar and victim in her statement recorded u/s 164 Cr.P.C. in which she had not stated anything about the petitioner and further she stated that co-accused Raja Kumar had kidnapped her and committed rape upon her.

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

6. Considering the aforesaid facts that the petitioner is having clean antecedent, victim in her statement recorded u/s 164 Cr.P.C. not stated anything about the petitioner and the petitioner is the brother of the co-accused Raja Kumar, 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 court of learned court of Chief Judicial Magistrate, Saran at Chapra in connection with Sonpur P.S. Case No. 09 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) 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 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 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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