

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11079 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Ghanshyam Kumar @ Munna Son Of Ram Naresh Rai, Resident Of Village -
Sijauli, Ward No. 06, Police Station - Dalsinghsarai, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mr. X.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-10-2024 Heard Mr. Bipin Kumar, the learned counsel for the

petitioner and Mr. Ajit Kumar, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Dalsinghsarai PS Case No. 98 of 2023, FIR

dated 21.02.2023, registered for the offences punishable under

Sections 366A and 504 read with Section 34 of the Indian Penal

Code

3. According to the prosecution case, the daughter of

informant went missing and she suspects that the petitioner

along with other co-accused persons has kidnapped her

daughter.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and there is case and counter case between the parties as well. He further submits that the victim, in her statement recorded under Section 164 of the Cr.P.C., has firmly stated that she was in love with the co-accused person namely, Deepak Kumar and she has performed marriage with him and the petitioner simply accompanied Deepak Kumar and the victim has not stated anything against the petitioner regarding misbehaving with her, rather she has just stated that petitioner was accompanying the co-accused Deepak Kumar.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, the victim has already performed marriage with co-accused person and she has not stated anything adverse against the petitioner in her statement recorded under Section 164 of the Cr.P.C., let the



petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur, where the case is pending in connection with **Dalsinghsarai PS Case No. 98 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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