

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.859 of 2024

Arising Out of PS. Case No.-237 Year-2016 Thana- MAHARAJGANJ District- Siwan

Pawan Sah S/O- Sri Birendra Sah Village- Nizamat Ps- Maharajganj Dist-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Arbind Kumar Singh, learned counsel
for the petitioner and Mr. Lakshmi Kant Sharma, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maharajganj P.S. Case No. 237 of 2016, F.I.R. dated 26.11.2016 for the offences punishable under Sections 363, 365/34 of Indian Penal Code. Later on Section 366A was added in chargesheet no. 02/2017 dated 09.01.2017.

3. According to prosecution case, the petitioner fled away with the daughter of the informant with an intention to marry her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that



allegations are false and fabricated and the petitioner has not committed any offence in the FIR. In fact, the petitioner was in love with the victim girl and both have performed marriage in Thave Temple, Gopalganj and they are living as husband and wife. He further submits that the statement of victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed the marriage with the petitioner.

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

6. Considering the aforesaid facts and circumstances as well as the statements of victim recorded under Section 164, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District Judge-I, Siwan in connection with Maharajganj P.S. Case No. 237 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. One of the bailors should be the victim namely,



Neha Kumari.

ii. 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.

iii. 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.

iv. 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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