

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26304 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- Arwal District- Arwal

1. Rahul Kumar @ Rahul Dom S/O Birendra Dom R/O Village- Baidrabad, Police Station- Arwal, District- Baidrabad.
2. Amar Kumar @ Amar Dom @ Amar S/O Birendra Dom R/O Village- Baidrabad, Police Station- Arwal, District- Baidrabad.
3. Kush Kumar @ Kush Dom S/O Birendra Dom R/O Village- Baidrabad, Police Station- Arwal, District- Baidrabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2025 Heard Mr. Raj Krishna Jha, learned counsel for the
petitioners and Mrs. Asha Devi, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Arwal P.S. Case No. 86 of 2024, F.I.R. dated 28.02.2024 registered for the offences punishable under Sections 363, 366(A), 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the accused persons including the petitioners have kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that the allegation as allegation in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. In fact, the petitioner no. 3 was in love with the daughter of the informant and both have performed the marriage and now the victim is residing in the house of the petitioners as wife of petitioner no. 3. He further submits that co-accused persons namely Rohit Dom and Birendra Dom, who are family members of the petitioners have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 66462 of 2024 and the victim has filed an informatory petition no. 2351 of 2024 before the learned Court below stating therein that she has performed the marriage with the petitioner no. 3 and apart from that a supplementary affidavit has been filed by the petitioners which suggests that the victim is ready to become a bailor in the present case who now happens to be the wife of petitioner no. 3.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Arwal in connection with Arwal P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) One of the bailors should be the victim, namely, Muskan Kumari.

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(3) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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