

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26427 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- ANTICHAK District- Bhagalpur

Chhotu Kumar @ Nitesh Kumar @ Nitish Kumar S/o- Late Bichchhu Mandal
@ Bindeshwari Mandal Village- W.NO-5, Oriup PO- Oriup Ps- Antichak
Dist- Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2025 Heard Mr. Suman Kumar, learned counsel for the
petitioner and Mr. Shyam Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Antichak P.S. Case No. 45 of 2024, F.I.R. dated 11.04.2024 for the offences punishable under Sections 363, 366A, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with one other accused person have abducted the daughter of the informant with 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the



F.I.R. He further submits that from perusal of the F.I.R it appears that the date of occurrence as alleged is 07.04.2024 but the present F.I.R has been instituted on 11.04.2024 i.e., after delay of about 4 days without giving any explanation of the said delay. Apart from that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has not stated anything about the petitioner.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the victim has not stated anything about the petitioner in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS, 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 Chief Judicial Magistrate, Bhagalpur in connection with Antichak P.S. Case No. 45 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /



Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

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 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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