

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31805 of 2025

Arising Out of PS. Case No.-290 Year-2015 Thana- MAHUA District- Vaishali

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Pritesh Kumar @ Pertesh Kumar, Son of Dinesh Ram @ Dinesh Das,
Resident of Village -Khesrahi, Police Station- Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Devendra Das, Son of Late Phuldev Das, village- Mohanpur Dhanraj (khirachak), Ps- Mahua, Dist- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. The application for grant of bail to the petitioner who is in custody in connection with Mahua P.S. Case No. 290 of 2015 registered for the offence punishable under Sections 363, 366, 366(A) and 34 of the Indian Penal Code.

3. Allegedly in the evening of the fateful day all the accused persons named in the FIR took away the daughter of the informant for illicit purpose. Earlier also the accused persons threatened the informant with dire consequences.

4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner is not named in the FIR, however, during the course of investigation, when the statement



of the victim was recorded under Section 164 of the Code of Criminal Procedure, she has stated that the petitioner alongwith others were also indulged in getting her marriage solemnized with one Rajan Kumar. Save and except this allegation, there is no material that the petitioner was involved in kidnapping of the victim. He further submits that since the petitioner is not named in the FIR and he had been working outside the State, thus he was not knowing that his name has been implicated in this case. When the petitioner had come to his native village, he was apprehended by the police. Moreover, the victim girl solemnized marriage with the co-accused Rajan Kumar and both of them have been residing peacefully. The petitioner has been incarcerated since 11.01.2025 and the investigation with respect to the petitioner is also complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the case was instituted long back in the year 2015 and the petitioner has been absconding his arrest for a decade.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not named in the FIR, coupled with the statement of the victim recorded under Section 164 of the Code of Criminal



Procedure, and the petitioner having fair antecedent, as also the chargesheet with respect to the petitioner has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 290 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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