

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32387 of 2025**

Arising Out of PS. Case No.-309 Year-2021 Thana- SABAUR District- Bhagalpur

Ashish Tiwari S/o Uma Shankar Tiwari R/o Village- Dumariya, P.S.- Tarari,  
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      16-05-2025                      Heard Mr. Manoj Kumar Jha, learned counsel for the  
  
petitioner and Mr. Amitesh Kumar, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sabour P.S. Case No. 309 of 2021, F.I.R. dated 03.12.2021 for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

3. As per the First Information Report, the informant alleged the petitioner along with other persons kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and infact the petitioner was in love relationship with the victim girl and the petitioner has



solemnized marriage with the victim girl on 10.12.2021 and thereafter the victim had returned back to her home and her statement was recorded under Section 164 Cr.P.C/183 of B.N.S.S in which she has stated that she has performed marriage with the petitioner and no one had kidnapped her and now the victim is living in the house of the petitioner as his wife and she has also given birth to a male child 28.08.2022 and the apart from that the victim has sworn an affidavit in the present bail petition.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and petitioner has performed marriage with the victim, 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 C.J.M., Bhagalpur, in connection with Sabour P.S. Case No. 309 of 2021, 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. One of the bailors shall be the victim.
- 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 bond 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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