

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33725 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- BAIRIYA District- West Champaran

Rahul Kumar @ Rahul Kumar Baitha S/O Shashikant Baitha Resident of Village- Balua Rampurwa, Ward No. 18, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Kalimullah Dewan @ Kalimullah Dewan Dewan S/O Shahid Dewan Resident of Village- Balua Rampurwa, Ward No. 18, P.S.- Bairiya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar, Advocate
For the Opposite Party/s:		Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Sections 139, 96 and 3(5) of Bhartiya Nyaya Sanhita, 2023. He has no criminal antecedent.

3. As per the prosecution case, the daughter of the informant had gone out of her house and did not return. The informant searched for her and later he came to know that she had been kidnapped by the petitioner. It has been alleged that the informant was threatened and abused by two accused persons.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such



incident of kidnapping as stated has occurred. It is further submitted by learned counsel for the petitioner that the victim/daughter of the informant and the petitioner were in love and the daughter of the informant out of her own sweet-will had gone out of her house. It is also submitted by learned counsel for the petitioner that the victim had been recovered and her statement was recorded under Section 183 BNSS wherein it has that she is in love with the petitioner and she had gone out of her own sweet-will and there is no fault of the petitioner. Learned counsel for the petitioner next submits that the victim girl was also found to be seventeen and half years old and the petitioner carries clean antecedent.

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

6. Considering the aforesaid submissions of learned counsel, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate/Concerned Court, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 35 of



2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(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 de-



layed for purpose of the same or in the name of
verification.

7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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