

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64703 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- KANHAULI District- Sitamarhi

-
1. Arjun Kumar Son of Harischandra Mahto Resident of Village- Parsa Khurd, Ward No. 04, P.S.- Kanhauli, District- Sitamarhi
 2. Akash Kumar Son of Harishchandra Mahto Resident of Village- Parsa Khurd, Ward No. 04, P.S.- Kanhauli, District- Sitamarhi
 3. Arun Kumar Son of Harishchandra Mahto Resident of Village- Parsa Khurd, Ward No. 04, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2025 Heard Mr. Dinesh Jha, learned counsel for the

petitioners and Mr. Uday Chand Prasad, learned APP for the

State.

2. The petitioners are apprehending their arrest in connection with Kanhauli P.S. Case No. 37 of 2024, F.I.R. dated 10.03.2024 registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code.

3. Allegation against the petitioners is of kidnapping of informant's minor daughter 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 although the petitioners are named in the F.I.R. and they are brother of co-accused Akhilesh Kumar and they have been made accused merely on the ground that they are brother of co-accused Akhilesh Kumar. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr. P.C./Section 183 of BNSS, 2023 in which she has not stated anything against these petitioners and apart from that she has also not stated anything about Akhilesh Kumar and on the basis of that co-accused Akhilesh Kumar has been granted the privilege of anticipatory bail vide order dated 29.11.2024 by the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in A.B.P. No. 279 of 2024.

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 and the fact that the petitioners having clean antecedents as well as the victim has not supported the case of the prosecution in her statement recorded under Section 164 of the Cr. P.C./Section 183 of BNSS, 2023 and apart from that co-accused Akhilesh Kumar who happens to be brother of the petitioners has been granted the privilege of anticipatory bail by the learned Court



below, 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 Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 37 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) 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.

(2) 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.

(3) 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)

Ibrar//-

U		T	
---	--	---	--

