

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69763 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- MADHEPURA District- Madhepura

Upendra Kumar Son of Dholan Sada R/O Vill.- Bara, Ward no. 5, P.S.-
Bihara, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-01-2025 Heard Mr.Pramod Mishra, learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No.385 of 2023, dated 19.04.2023 registered for the offences punishable under Sections 363,366(A) and 34 of IPC.

3. The prosecution case, in short, is that on 20.03.2023, accused persons including the petitioner are alleged to have kidnapped the minor daughter (the victim) of the informant aged about 16 years.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in



the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim girl and they have performed the marriage in the temple.

5. Learned counsel for the petitioner submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the case of the prosecution and she has specifically stated that she has performed the marriage with the petitioner and her father has filed the false case against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not supported the case of the prosecution in her statement under Section 164 Cr.P.C., let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No.385 of 2023, 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:-

(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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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