

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74830 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- BAHERI District- Darbhanga

Rakesh Kumar Son of Dinesh Yadav village- Salha, Ps- Baheri, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Nilendu Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr. Kedar Jha, learned counsel for the petitioner, Mr. Nilendu Kumar Choudhary, learned counsel appearing on behalf of the informant as well as Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baheri P.S. Case No. 173 of 2024, F.I.R. dated 03.06.2024 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with 4 other accused persons have 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. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita from which it appears that the statement is in two parts, according to part one, she voluntarily gone to her *Nanihal* and according to part two, she alleged that the petitioner has committed rape upon her but she refused for her medical examination. He further submits that from perusal of the statement of the victim it appears that nowhere in her statement she has stated the date of occurrence and the place of occurrence where she was subjected to harassment by this petitioner.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that on the date of occurrence the victim was minor.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedant, victim has not stated anything clear about the said occurrence and apart from that she



has refused for her medical examination, 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 Additional Chief Judicial Magistrate VII, Darbhanga, Bihar in connection with Baheri P.S. Case No. 173 of 2024, 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. 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.

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



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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