

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74945 of 2024

Arising Out of PS. Case No.-435 Year-2021 Thana- BARH District- Patna

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Susant Kumar @ Sushant Kumar @ Santosh Kumar Son of Ram Prit Yadav
Resident of Village- Kazichak, Ward No. 8, P.S. -Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr.Premchandra Yadav, learned counsel for

the petitioners and Mr.Dashrath Mehta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barh P.S.Case No.435 of 2021,FIR dated 21.10.2021 registered for the offences punishable under Section 366 (A) of IPC.

3. The prosecution case, in short, is that on 18.10.2021 at about 9.00 AM the informant Sanjay Yadav stated yesterday 18.10.2021 my daughter Anshila Kumari went to Girls school Barh to study, he could not come till evening at home. Now we started searching, but no trace out my girl, that my neighbour Sushant Kumar was prepared to go out for marriage to my daughter Anshila Kumari of several times for



purpose of marriage, so he succeeded and ran away with the intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and 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. The victim was recovered and her statement was recorded under Section 164 Cr. P.C./Section 183 of BNSS, 2023 in which she has not supported the case of the prosecution and the victim has clearly stated that she has performed the marriage with the petitioner.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and victim has not supported the case of the prosecution in her statement under Section 164 Cr. P.C./Section 183 of BNSS, 2023, 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 A.C.J.M.-I, Barh in connection with Barh P.S. Case



No.435 of 2021, 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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