

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79796 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- DESARI District- Vaishali

Vikram Kumar Son of Shiv Kumar Paswan @ Shiv Kumar village-
Bhagwatipur (Bagauti) PS- Desari District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mrs. Bela Singh, learned counsel for the

petitioner and Mr. Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Desari (Sahdei O.P.) P.S. Case No. 390 of 2023, F.I.R. dated 20.11.2023 for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have kidnapped the daughter-in-law of the informant and also stolen some ornaments kept in a box.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She 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. In fact, the informant is not the eye witness of the alleged occurrence. She further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the petitioner. She further submits that the similarly situated co-accused, namely, Shila Devi @ Shila Kumari and Nirmala Devi have been granted anticipatory bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64502 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, victim has not stated anything about the petitioner in her statement recorded under Section 164 of the Cr.P.C. and the co-accused persons have been granted anticipatory bail by this Court, 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 -XI, Vaishali at Hajipur in connection with Desari (Sahdei O.P.)



P.S. Case No. 390 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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