

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89547 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- ARA NAGAR District- Bhojpur

Nabab Yadav @ Nabab Singh S/o Awadesh Yadav Resident of Village-
Babhangavan, PS - Barhara (Krishnagarh), Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dipa Kumari D/o Late Narayan Yadav R/o Moti Tola, P.S. - Ara Nagar,
Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Chandra Bhushan Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Ara Nagar P.S. Case No. 278 of 2023, F.I.R.
dated 07.04.2023 registered for the offences punishable under
Sections 366, 376, 120(B) of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioner
has induced and instigate the informant to make physical
relation in the name of marriage and the petitioner has fled away
with her to Delhi.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that initially the complaint petition has been filed on 07.06.2022 for the alleged date of occurrence on 30.10.2021 and apart from that it appears that the victim was major and the relation with the petitioner was consensual. Although, she has supported the case of the prosecution in her statement recorded under Section 164 of the Cr. P.C./Section 183 of B.N.S.S, 2023 but she has also refused for her medical examination and she has admitted herself in her 164 statement that she was in love with the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the victim herself stated in her 164 statement that she was in love with the petitioner and apart from that she has refused for her medical examination, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 278 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 :-

(1) 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.

(2) If the petitioner tampers 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 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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