

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.416 of 2025

Arising Out of PS. Case No.-308 Year-2019 Thana- WARISLIGANJ District- Nawada

Bablu Kumar @ Bablu Singh S/o Ramashish Singh R/o Villegge- Chiraiya,
P.S.- Warsaliganj, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Baby Kumari D/O- Baleshwar Majhi Resident of Vill- Chiraiya, P.S.- Barsilganj, District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 24-07-2025 Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Sanjay Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Warsaliganj P.S. Case No. 308 of 2019, F.I.R. dated 13.09.2019 registered for the offences punishable under Sections 363, 376/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons kidnapped the informant and have committed wrong and misbehaved with her.

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 the



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. From perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 09.09.2019 but the present F.I.R. was instituted on 13.09.2019 after delay of four days without giving any explanation of delay and apart from that the present case has been instituted against the petitioner and his family members only to make pressure upon the petitioner with respect to Warsaliganj P.S. Case No. 244 of 2019. Learned counsel for the petitioner further submits that the police after investigation submitted final form in favour of the petitioner and other co-accused persons on 30.10.2019 but the learned Court below in a mechanical manner without appreciating the evidence adduced by the prosecution has taken cognizance vide order dated 10.10.2021 against the petitioner and other co-accused persons.

5. Despite of valid service of notice upon Opposite Party No. 2, no one appears on behalf of Opposite Party No. 2.

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

7. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the police after investigation submitted final form in favour of



the petitioner and the learned Court below in a mechanical manner took cognizance against the petitioner, 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 Additional District & Sessions Judge-cum-Special Judge (POCSO Act), Nawada in connection with Warsaliganj P.S. Case No. 308 of 2019, 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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