

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90179 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

Rakhwendra Kumar @ Raghwendra Kumar @ Bam S/O Suresh Yadav @
Genda Yadav R/O Village- Iguna, P.S- Magadh University, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Ajay Kumar Sinha, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.08.2024 in connection with Magadh University P.S. Case No.
172 of 2024, F.I.R. dated 20.08.2024 for the offences punishable
under Sections 137 (2), 96, 3 (5) of the Bhartiya Nyaya Sanhita
2023.

3. According to prosecution case, the informant
suspects that this petitioner with the help of his family members
have kidnapped his daughter.

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 it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 18.08.2024 but the present F.I.R. has been instituted on 20.08.2024 i.e. after delay of two days without giving any explanation of the said delay and after the girl returned back to her home. He further submits that later on statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita in which she has not supported the case of the prosecution. The petitioner is in custody since 21.08.2024.

5. 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 and the victim has not supported the case of the prosecution in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the Bhartiya Nagarik Suraksha Sanhita, let the petitioner, above named, 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 VIII, Gaya in connection with Magadh University P.S. Case No.



172 of 2024, subject to the 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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