

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42656 of 2015

Arising out of PS.Case No. -278 Year- 2014 Thana -FATEHPUR District- GAYA

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Pappu Yadav, Son of Satendra Yadav, resident of Village - Dihuri, P.S. - Fatehpur, District - Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar Saxena, Advocate.

For the Opposite Party : Mr. Ramchandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-11-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 02.07.2015 in connection with Fatehpur P.S. Case No. 278 of 2014 for the offences instituted under Section 366 of the IPC. Later on, Section 376 of the IPC was also added.

The prosecution story, in brief, is that on 04.08.2014 at about 7.00 P.M. the informant's married daughter Kiran Devi aged 18 years old went out from her house for attending call of nature but she could not return. Thereafter, the informant began search for her, thereafter the informant knew that this petitioner kidnapped his daughter with intent to marry her. It is further alleged that the petitioner also established physical relationship

with the victim.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 02.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. FIR has been instituted after two weeks of the alleged occurrence for which no explanation has been made on behalf of the prosecution. 164 Cr.P.C. statement of the victim is also contrary to the prosecution case. Vide Annexure-3 it appears that the matter has been settled between the parties.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 J.M. Ist Class, Gaya, in connection with Fatehpur P.S. Case No. 278/2014.

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(Sudhir Singh, J)