

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48976 of 2015

Arising Out of PS.Case No. -185 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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Kallu Yadav Son of late Ram Autar yadav Resident of Village -Behera
police Station Udwant Nagar District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

On 19-07-2015 informant Shiv Kumar Yadav filed written report disclosing therein that on the same day at about 07:00 PM he had seen petitioner taking away his wife Pinki Devi over motorcycle from Bihari Mill, Ara towards Patna. He tried to stop but he (petitioner) succeeded in taking her away. It has further been disclosed that Sanha was recorded at his behest on 16.07.2015 relating to disappearance of his wife. It has further been asserted by him that his wife had not disappeared from his house on her own rather on 13.07.2015 his wife was kidnapped by Kallu Yadav, the petitioner.

Statement of victim recorded under Section 164 Cr.P.C. is Annexure-2. Though she had alleged that she was

forcibly taken away by the petitioner on 13.07.2015 to Patna and indulged in physical relationship. She had further stated that on 17.07.2015 he brought her from Patna, left her near Bihari Mill and ran away. Thereafter, she informed her mother who took her away.

After having chronological study of both statements, it is apparent that there happens to be inconsistency. As per 164 statement she was freed on 17.07.2015 while as per written report, informant had seen on 19.07.2015 taking the victim on motorcycle by the petitioner. Furthermore, staying at her Maika without informing the informant since 17.07.2015 is another circumstance and in the aforesaid facts and circumstance, for the present petitioner Kallu is found entitled for bail. As such, petitioner Kallu Yadav is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No.185 of 2015.

(Aditya Kumar Trivedi, J.)

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