

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50872 of 2015

Arising out of PS.Case No. -44 Year- 2014 Thana -IMAMGANJ District- GAYA

Chunu Yadav, Son of Nandu Yadav, resident of village - Gareria (Raniganj), P.S. Imamganj, District – Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Nand Kishore Prasad Sinha, Advocate.

For the Opposite Party : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 19.08.2015
in connection with Imamganj P.S. Case No. 44 of 2014 for the
offences instituted under Section 366(A) of the IPC.

The prosecution story, in brief, is that the informant
Saroj Devi submitted written report alleging therein that on
31.05.2014 when she had gone to school of village for preparing
Mid-day-Meal and returned at noon and found that her daughter
Soni Kumari aged about 17 years is not at home and when she did
not return till evening she is learnt that her neighbour petitioner is
also not at his house and she learnt that the petitioner has
kidnapped Soni Kumari with intention to marry with her also and

she made complain with the father of the petitioner but he did not care on her complain and blamed to her daughter. Thereafter in spite of search when she could not get whereabouts of her daughter she submitted written report.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 19.08.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner is said to have been made accused in the present case due to mistake of fact. A supplementary affidavit has been filed on behalf of the petitioner where it has been stated that the victim girl has already been married to one Binod Singh, Son of Dhaneshwar Singh, resident of village- Malukhiya, P.S. Dumaria, District-Gaya on 25.11.2015. From perusal of the F.I.R., it appears that the alleged occurrence is said to have taken place on 31.05.2014 but the F.I.R. was instituted on 04.06.2014, delay has not been explained by the prosecution.

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, Sherghaty, Gaya, in connection with Imamganj P.S. Case No. 44/2014.

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(Sudhir Singh, J)