

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10936 of 2016

Arising Out of PS.Case No. -206 Year- 2013 Thana -NARPATGANJ District- ARRARIA

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1. Shankar Yadav son of Ganeshi Yadav, resident of Village- Pothia, Police Station- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-03-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366 and 379 of the Indian Penal Code.

The statement of victim has been recorded under Section 164 of the Cr.P.C. in which she specifically stated that she was not kidnapped rather she voluntarily solemnized her marriage with petitioner.

However, a compromise petition was also filed before the court below but in spite of above stated facts, the learned 2nd Additional Sessions Judge rejected the bail petition of the petitioner only on the ground that during lifetime of first

husband, the victim solemnized his marriage with the petitioner. The concerned court failed to understand that even if a case under Section 494 of the Indian Penal Code is made out, the same is bailable in nature.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner 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 Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 206 of 2013.

(Hemant Kumar Srivastava, J)

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