

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39069 of 2017

Arising Out of PS.Case No. -263 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Sushil Kumar Singh @ Sushil Kumar son of Dun Bahadur Singh resident
of village - Nakardewa, P.S. Sheohar, District Sheohar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections 363 and
366(A) of the Indian Penal Code.

The allegation in the FIR is that the daughter of the
informant was kidnapped for the purpose of marriage by the
petitioner and his family members.

Counsel for the petitioner submits that in fact the
daughter of the informant Rajni eloped with the elder brother of
the instant petitioner and they have performed marriage at
Panchkula on 25.04.2017. He has placed on record the certificate
of marriage and relying upon the same he submits that the date of
birth of Rajni has been disclosed as 12.06.1998 hence she is a
major. The petitioner has been implicated in this case only because



he is brother of the said Gyan Prakash. He also points out that the said Rajani has filed a case before the Punjab and Haryana High Court seeking direction to the police for protection wherein the informant of the instant case is respondent no. 5. He also submits that prior to the instant case the petitioner has no criminal history and he is in custody since 09.05.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Sitamarhi P.S. Case No. 263 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the



present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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