

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57388 of 2017

Arising Out of PS.Case No. -510 Year- 2017 Thana -BANKA District- BANKA

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Binay Yadav, Son of Ram Prasad Yadav, resident of village- Bhitthi, Police Station- Banka, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Banka Police Station Case No. 510 of 2017 registered for an offence punishable under section 366 of the Indian Penal Code.

The above case has been registered on the basis of written report submitted by the father-in-law of the victim and it is alleged that this petitioner abducted the daughter-in-law of the informant on 19.08.2017.

The learned counsel for the petitioner submits that no offence under section 366 of the Indian Penal Code is made out against the petitioner, as the daughter-in-law of the informant herself left her house and voluntarily escaped with this petitioner.



The daughter-in-law of the informant had affairs with this petitioner before her marriage and she voluntarily left the house as she was being tortured by her in-laws. Her statement was recorded by the Magistrate under section 164 of Code of Criminal Procedure wherein she has denied about her alleged abduction and has stated that she had affairs with this petitioner since much before her marriage. Her statement was recorded on 22.08.2017 wherein she disclosed her age as 25 years. The learned Magistrate has also assessed her age as such. This petitioner was arrested after three days from the date of occurrence and he is in custody since 22.08.2017.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka Police Station Case No. 510 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when



required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(iv) If the petitioner is found in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.

(Sanjay Kumar, J)

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