

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44135 of 2016

Arising Out of PS.Case No. -465 Year- 2013 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Ram Lalit Rai son of Late Saryug Rai Resident of Village- Mahua Singh Ray,
P.S.+P.O.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh, Advocate

For the State : Mr. Nagendra Prasad, APP

For the Informant : Mr. Pandey Sanjay Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant, who has *suo motu*
appeared.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 465 of 2013 dated 28.12.2013 instituted under Sections
363/365/452/34 of the Indian Penal Code.

3. The case has a peculiar twist. The petitioner claims to
be the father-in-law of the daughter of the informant, who had alleged
that the petitioner's son had run away with his minor daughter.



Initially, the Court, by order dated 17.07.2014 in Cr. Misc. No. 25307 of 2014, had granted bail to the petitioner, but it appears that a statement was recorded on his behalf that the girl was living in the matrimonial home, that is, the house of the petitioner. The informant approached this Court in Cr. Misc. No. 40250 of 2014 alleging that such statement was incorrect as on 17.07.2014, the daughter of the informant was not living in the matrimonial home and was lodged in the After Care Home. The Court, in view of the said position, which was found correct, cancelled the bail granted to the petitioner by order dated 03.08.2016. It was further directed that the petitioner would surrender latest by 20th August, 2017. The petitioner surrendered by 20th August, 2017 and is in custody and has filed the present application renewing his prayer for bail.

4. Learned counsel for the petitioner informed the Court that the daughter of the informant was also present in Court. When the Court asked her as to whether she was living in the matrimonial home with the son of the petitioner, i.e., her husband, the answer was in the affirmative and there was also a child with her which she said was born out of her wedlock to the son of the petitioner. She categorically stated before the Court that she is happy with her marriage and has no grievance. On a further query as to why the informant was still opposing grant of bail to the petitioner, her reply was that the



informant was angry with her conduct because she had married against his wishes and every attempt to get in touch with her father was futile.

5. Learned A.P.P. submitted that once the girl, who is no more a minor and also has a child, wants to live in the matrimonial home, the Court would facilitate the same.

6. Learned counsel for the informant submitted that witnesses are being examined in the criminal case.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Vaishali at Hajipur in Sessions Trial No. 328 of 2015 arising out of Mahua P.S. Case No. 465 of 2013.

8. However, the petitioner shall cooperate in the trial.

(Ahsanuddin Amanullah, J)

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