

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8526 of 2017

Arising Out of PS.Case No. -300 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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Manoj Yadav

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 19.10.2016
in connection with Narpatganj P.S. Case No. 300 of 2016 for the
offences instituted under Sections 365, 366, 457, 380, 494 and
120(B) of the IPC.

The prosecution story, in brief, is that on 01.06.2016, the
accused came at the house of the informant and kidnapped his
wife and took her away on his motorcycle for the purpose of
marriage and they were seen by the witnesses at the time of
fleeing. During course of search, she was not traced out.
Thereafter on 06.06.2016, this petitioner alongwith Rinki Devi and
other 4-5 persons entered into his house and took away clothes,
ornaments and cash Rs. 40,000/- kept in a box.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.10.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The victim is the wife of the informant. From perusal of Annexure-2, it appears that she has been granted bail by the court below itself. Due to torture by the informant she had left her husband's house and later on got performed second marriage with this petitioner, hence, no offence under Section 366 of the IPC is made out. At best, an offence under Section 394 of the IPC is only made out which is bailable.

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 C.J.M., Araria, in connection with Narpatganj P.S. Case No. 300 of 2016.

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(Sudhir Singh, J)