

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46689 of 2017

Arising Out of PS. Case No.-20 Year-2016 Thana- IMADPUR District- Bhojpur

Kamla Kant Upadhyay @ Kamala Kant Upadhyay, son of Late Ram Bhagat Upadhyay, resident of village Madanpur, Police Station- Narayanpur, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy Mr. Makardhwaj Upadhyay
For the Opposite Party/s	:	Mr. M. Dayal

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

2 21-09-2017 Heard both sides.

Apprehending his arrest in connection with Imadpur P.S. Case No. 20 of 2016 registered under sections 365, 366/34 of the Indian Penal Code, the present application is filed for grant of anticipatory bail.

It is alleged that co-accused Guddu Upadhyay, nephew of the petitioner kidnapped the married daughter of the informant. Learned counsel for the petitioner placed the F.I.R. as well as the impugned order to submit that the allegation of kidnapping or leaving the house with the co-accused Guddu Upadhyay by the victim is attributed to Guddu Upadhyay. He is the uncle. A bare reading of the F.I.R. would show that the victim might have



eloped with Guddu Upadhyay on her own freewill as she was a married lady. The petitioner has no criminal antecedent.

Under the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to 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 learned Chief Judicial Magistrate, Ara in Imadpur P.S. Case No. 20 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition that one of the bailors shall be own close family member of the petitioner.

(Kishore Kumar Mandal, J)

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