

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 70732 of 2018

Arising Out of PS. Case No.-280 Year-2018 Thana- Dariyapur District- Saran

Sudhir Kumar Singh @ Bhola Singh, son of Pramod Kumar Singh, resident of
Village- Kusiyaipur, Police Station- Dariyapur, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nasim Yahya

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 03-12-2018 Heard Mr. Nasim Yahya, learned counsel for the
petitioner and Sri Nawal Kishore Prasad, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody since
25-09-2018 in Dariyapur P.S. Case No. 280 of 2018 registered
for offence under Sections 363, 366(A)/34 of the Indian Penal
Code, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that in the F.I.R., it was alleged that petitioner was one of the
friend of the boy, with whom victim had eloped. Learned
counsel for the petitioner has drawn my attention to Annexure –
2 to the petition i.e. photocopy of the statement of the victim
recorded under Section 164 of the Cr.P.C. to show that victim
before the learned Magistrate has herself deposed that
voluntarily she had gone with one Prem Kumar, with whom she
was in love since last 3-4 years. She went to Delhi, where she



solemnised marriage with Prem Kumar in a temple and thereafter, while they returned back for solemnising court marriage, the victim was intercepted by the police and her statement under Section 164 of the Cr.P.C. was got recorded. Learned counsel for the petitioner further submits that in statement recorded under Section 164 of the Cr.P.C., the victim herself has shown apprehension against her father, uncle and brother. Besides this, it has been argued that there is no other cogent material to show involvement of the petitioner.

Fact regarding recording of statement of the victim under Section 164 of the Cr.P.C. was also noticed by the learned court below while rejecting the prayer for bail.

In view of facts and circumstances, particularly the statement of the victim recorded under Section 164 of the Cr.P.C., there is no reason to further detain the petitioner.

Let the petitioner namely Sudhir Kumar Singh @ Bhola Singh be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IV, Saran, Chapra in connection with Dariyapur P.S. Case No. 280 of 2018.

(Rakesh Kumar, J.)

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