

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41839 of 2018

Arising Out of PS.Case No. -241 Year- 2016 Thana -ALOU LI District- KHAGARIA

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Awadhesh Kumar, S/o Sri Surya Narayan Yadav, Resident of Village-
Parash, P.S.- Morkahi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Alauli P.S. Case No. 241 of
2016 instituted for the offence under Sections 363 and 366(A)/34 of
the Indian Penal Code.

Counsel for the petitioner submits that other co-accused
namely, Sagar Devi and Pramila Devi with similar allegation have
already been granted bail by coordinate Benches of this Court vide
orders dated 5.9.2018 and 19.07.2018 passed in Cr. Misc. Nos.44690
of 2018 and 26580 of 2018 respectively. Counsel for the petitioner
further submits that petitioner has voluntarily surrendered on 8.3.2018
and since then he is in custody.

In the written report it is alleged that daughter of the
informant had gone for call of nature but she did not return. It is
alleged that this petitioner along with other accused persons have



kidnapped the daughter of the informant.

The occurrence is said to have taken place on 17.09.2016 and First Information Report has been lodged on 21.09.2016 i.e. after lapse of about 4 days. The statement of victim girl has been recorded under Section 164 Cr. P.C. on 24.09.2016 (Annexure-2) wherein she has taken the name of this petitioner but has not alleged any specific overt act against the petitioner. She has only stated that male and female members in the house were speaking to perform her marriage. After one month, the parents of the informant arrived and took her to the house.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. 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 learned Chief Judicial Magistrate, Khagaria, in connection with Alauli P.S. Case No. 241 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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