

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43609 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- BAKHTIARPUR District- Saharsa

Rahul Yadav, Son of Sita Yadav, R/o Village - Ghoghsam, P.S. Bakhtiyarpur,
Distt -Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 366 of the IPC.

The prosecution case, as per the written report of Chandra Kishore Thakur dated 16.02.2018, submitted to the SHO, Kanariya O.P., Simri, Bakhtiyarpur Police Station, is to the effect that on 14.02.2018 in the night the informant was sleeping with his wife, in the meantime, co-accused Bibhisan Yadav came and on pistol point looted the household articles and enticed away the wife of the informant, namely, Guljan Devi. In the last portion of the FIR, it is alleged that the petitioner being the neighbour of the informant, is also involved in the occurrence.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement, the victim (wife of the petitioner) has



admitted that she left the house of the husband, after having some rift with him and has married on her own with co-accused Bibhisan Yadav.

Considering the fact that in 164 Cr.P.C. the victim has not named the petitioner and statement made in paragraph 3 of the petition that petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Bakhtiyarpur (Kanariya OP) P.S. Case No. 49 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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