

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5460 of 2018

Arising Out of PS.Case No. -133 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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Sukesh Singh, S/o Baudhu Singh, Resident of Village- Kaithi, P.S.-
Chautham, District- Khagaria. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Chautham P.S. Case No.133 of 2017 registered under Sections
363, 342 and 366 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that merely on suspicion the petitioner has been made accused.
Neither the informant nor any one else has seen the petitioner
taking away the wife of the informant. He submitted that so far as
Section 366 of the Indian Penal Code is concerned, the same
relates to kidnapping, abducting or inducing woman to compel her
marriage. There is no such allegation in the FIR rather the
allegation is that the petitioner enticed away the wife of the
informant with criminal intent which would be an offence
punishable under Section 498 of the Indian Penal Code, which is



bailable in nature. He submitted that the petitioner is a man of clean antecedent.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that in the FIR the informant has suspected that the petitioner has enticed away his wife along with a three years old child. The witnesses have also supported the allegation in course of investigation as would appear from the order passed by the learned Sessions Judge.

I have heard learned counsel for the parties.

Regard being had to the fact that the petitioner is reported to be a man of clean antecedent and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to 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 Chautham P.S. Case No.133 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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