

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9381 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- SARE District- Nalanda

PAWAN UPADHYAY @ KARU UPADHYAY @ KARU S/o Achutanand
Upadhyay Resident of Village- Kaila, P.S- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey

For the Opposite Party/s : Mr.Bharat Bhushan (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sare P.S.
Case No. 83 of 2018 instituted for the offence under Section(s)
363/365 of the Indian Penal Code.

Learned counsel for the petitioner submits that victim
girl, on recovery, has given her statement U/s 164 Cr.P.C.,
wherein, she has narrated totally different story from the
allegation as levelled in the written report.

In the written report, it is alleged that this petitioner
has kidnapped the daughter of the informant on motorcycle. The
statement of the victim girl recorded U/s 164 Cr.P.C. is annexed
as Annexure-3 to the bail petition, wherein, she has stated that
while she had gone to hand pump Manoj Upadhyay forcibly



got hear seated on motorcycle and this petitioner after tying her mouth with gamcha sat behind her and thereafter he took her to different places as mentioned in the written report and finally left her in Delhi on a Tea shop.

Learned counsel submits that Manoj Upadhyay is own brother of this petitioner.

Petitioner is in custody since 11.12.2018 having no criminal antecedent.

Considering the aforesaid, 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 the learned Sub-Divisional Judicial Magistrate, Nalanda in connection with Sare P.S. Case No. 83 of 2018, subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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