

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21001 of 2019**

Arising Out of P.S. Case No.-158 Year-2018 Thana- SANHAULA District- Bhagalpur

PAWAN KUMAR SINGH, Male, aged about 30 years, Son of Jai Prakash Singh @ Jai Prakash Mandal R/o village- Basantpur, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Pravina Kumari, Advocate
For the Opposite Party/s : Mr.Rina Sinha, Advocate

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 04-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 03.12.2018 in connection with Sanhoulla P.S.Case No.158 of 2018 for the offence alleged under Section 366 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he received information from his mother-in-law that his wife Pinki Devi and son Aditya Raj (three years) are missing from the house. On search, the informant was informed that the petitioner had taken away the wife along with the son of the informant for the purpose of marriage.



It has been submitted by the learned counsel for the petitioner that although the date of occurrence is 23.11.2018 but FIR has been lodged after a week and no plausible explanation has been given for such delay. He further submits that he is innocent, bears no criminal antecedent and that the victim lady in her statement under Section 161 of the Cr.P.C. before the police and 164 of the Cr.P.C. before the Magistrate has not alleged any overt-act against the petitioner. He further submits that the petitioner and victim lady were having love affair and that the medical report also opined that no sexual intercourse was recently done and no spermatozoa was found and the age of the victim was assessed above 18 years.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sanhaulla P.S. Case No.158 of 2018 to the satisfaction of learned Sessions Judge, Bhagalpur, subject to the condition that one of the bailors



would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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