

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21770 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- KARAI PARSURAI District- Nalanda

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DHANESH KUMAR Son of Sugriv Gop @ Sugriv Prasad Resident of
Village - Kolhar, P.S.- Fatuha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
21.01.2019 in connection with Karai Parashurai P.S. Case No.
51 of 2018 for offences punishable under Sections 364/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to his sasural for shradh ceremony of his
brother-in-law (sala) and his son Avinash Kumar was at home
along with his grand-father, the petitioner along with another co-
accused kidnapped his son, who was recovered the next day
with the help of the police.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, a false case has been lodged against the petitioner as the F.I.R. has been lodged after three days of the alleged occurrence, although, the boy was recovered the next day. He submits that the victim boy did not want to give his statement under Section 164 Cr.P.C. and in his statement the victim boy had stated that he had been kidnapped by two persons, not named by him. During investigation it has been found that the petitioner's sister was married to the minor son of the informant and when the police came to know about child marriage, the false allegation has been levelled. It is further submitted that charge-sheet has already been submitted under Sections 363, 365/34 of the Indian Penal Code and Sections 3/4 of the child Marriage Act, hence, the allegations in the F.I.R. and the statement made under Section 164 Cr.P.C. by the victim boy are contradictory.

However, learned counsel appearing for the informant opposes the prayer for bail stating therein that the petitioner has kidnapped the minor son of the informant for the purpose of marriage with his sister.

Learned APP for the State also opposes the prayer for bail.



Considering the nature of allegations, petitioner does not bear any criminal antecedent, contradiction in the F.I.R. and another story having come to the fore during investigation, let petitioner, above named, be enlarged 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 Sub-Divisional Judicial Magistrate, Hilsa, Nalanda, in connection with Karai Parashurai P.S. Case No. 51 of 2018, G.R. No. 985 of 2018, 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)

Rajesh/-

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