

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44975 of 2019

Arising Out of PS Case No.-531 Year-2018 Thana- BAHERA District- Darbhanga

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Sudhir Yadav (Male), aged about 27 years, Son of Sevak Yadav, Resident of
Village - Pakari, P.S.- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate
		Mr. Girish Chandra Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Bahera PS Case No. 531
of 2018 dated 05.12.2018 instituted under Sections 363, 366 (A)
and 376 of the Indian Penal Code and Sections 9, 10 and 11 of the
Child Marriage Restraint Act, 1929.

3. The allegation against the petitioner and others is of
kidnapping the minor grand-daughter of the informant.



4. Learned counsel for the petitioner submitted that upon recovery, the girl has given her statement in the Court under Section 164 of the Code of Criminal Procedure, 1973 in which she has stated that she had fallen in love with the petitioner and they had married and had gone to Delhi, from where she was recovered. It was further submitted that she was carrying a pregnancy of five months. Learned counsel submitted that as per his instructions, sometime back she has also given birth to a male child. Learned counsel submitted that when the girl was recovered by the police at Delhi, the petitioner had gone to the police station to enquire about her where he was caught, which shows his *bona fide*. Learned counsel submitted that the petitioner is in custody since 17.01.2019.

5. Learned APP, from the case diary, submitted that the allegation is that the girl was a minor. However he could not controvert the fact that before the Court, the so called victim girl herself has stated that she was not abducted by the petitioner and that the petitioner himself had gone to the police station, where he was arrested.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs.



25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Benipur, Darbhanga in Bahera PS Case No. 531 of 2018.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

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