

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62470 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- PARBATTI District- Khagaria

SONU KUMAR, Son of Subodh Mandal, Resident of Village - Jorari, P.S-
Tarapur, District-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
16.07.2019 in a case registered for the offences punishable
under Sections 366 and 379/34 of the Indian Penal Code.

The prosecution case as per the written report of
Jichchu Kumar is to the effect that on 21.06.2019 at about
10.00 A.M., the informant's wife, Khushboo Kumari, aged
about 23 years and son, Prashant Kumar were kidnapped by
the petitioner and other co-accused persons. It is further
alleged the accused persons enticed away the wife of the
informant and kidnapped her for the purpose of marriage. The
wife of the informant also took away jewellery worth
Rs.40,000/- and a motorcycle registered in the name of the



mother of the informant Rita Devi.

It is submitted by learned counsel for the petitioner that the wife of the informant was having love affairs with the petitioner, as a result, she eloped with the petitioner on her own. It is further submitted that for the alleged occurrence of 21.06.2019, the FIR was registered on 02.07.2019 and on recovery of the victim, her statement was recorded under Section 164 of the Cr. P.C., prima facie suggests that she had some relationship with the petitioner from before. Moreover, the investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that at least the statement of the victim recorded under Section 164 of the Cr.P.C. suggests that the victim was forcefully taken away by the petitioner.

Considering the delayed lodging of the FIR, statement of the victim recorded under Section 164 of the Cr.P.C. suggesting some relationship between the petitioner and the victim from before, the investigation already being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner 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
ACJM-1, Khagariya, in connection with Parbatta P.S. Case
No. 247 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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