

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 737 of 2020**

Arising Out of PS. Case No.-85 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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NATHU YADAV Son of Late Pathal Raut @ Vishwanath Resident of Village-
Bhaluahiya, P.S.-Purushottampur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Purushottampur Police Station
(for brevity, *PS*) Case No 85 of 2019 dated 03.11.2019 instituted
for the offence punishable under Section (s) 366/34 of Indian
Penal Code (for brevity, *IPC*).

According to the first information report, on 11.10.2019
at about 11.30 pm to 12.30 am in the night, when the informant
along with his children was sleeping, the petitioner along with
co-accused Premnath @ Dhamu kidnapped his wife along with
ornaments. When the informant asked about the matter to the
petitioner, he gave threatening and said that she came with him
with her own free will.



Learned counsel for the petitioner submitted that the petitioner is quite innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. It is further submitted that the petitioner is father of co-accused Premnath @ Dhamu Yadav. A father cannot participate in such type of occurrence. It is also submitted that Section 366 of IPC is not attracted. It is further submitted that the alleged victim has deposed under Section 164 of Criminal Procedure Code. As per the said statement (Annexure 2), the victim had left home on her own volition. Petitioner is in custody since 05.11.2019.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Bettiah, West Champaran in connection with Purushottampur PS Case No 85 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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