

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15698 of 2020

Arising Out of PS. Case No.-145 Year-2017 Thana- SIKTI District- Araria

UPENDRA SADA @ UPENDRA KUMAR RISHIDEO, Male, aged about 26 years, S/o Dhaneshwar Sada, Resident of Village- Dhumgarh, Ward No.7, P.S.- Bardaha, Distt- Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gopal Kumar Jha, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 363, 366(A), 370 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 28.05.2017 at about 8.00 P.M., in the night when the daughter of the informant had gone out side of the house, Upendra Sada (petitioner) kidnapped and took her away on Motorcycle with



the help of other co-accused persons with intent to marry with her or sell out. When the informant came to know this fact, he went to the residence where the accused persons started abusing him and gave a threat to implicate him in a case of SC/ST Act.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is a case of love affair between the petitioner and the victim. A petition was filed by the victim in the learned court below. The said petition is Annexure-3 to the present application in which she has admitted that she has left her house out of her own will and got married to the petitioner. Subsequently, in 164 Cr. P.C. statement, she has retracted from her earlier statement made in the said petition filed in the learned court below.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned J.M. Ist Class, Araria, in connection with Sikty (Bardaha) P.S. Case No. 145 of 2017 (G.R. No. 1868/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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