

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17533 of 2020**

Arising Out of PS. Case No.-129 Year-2012 Thana- GAMAHARIYA District- Madhepura

BHUPENDRA YADAV Son of Late Gaunar Yadav Resident of Village -
Surkaha Lodh, P.S.- Supaul, Distt - Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-11-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, seeking pre-arrest
bail in connection with Gamharia P.S. Case No. 129 of 2012
registered for the offences punishable under Sections 366(A)/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that this
petitioner has been made accused only because he happens to be
the father of co-accused Lalo Yadav. Allegation against co-
accused Lalo Yadav and Agamlal Yadav is that they had forcibly
taken away the victim girl with an intention to marry her.

Learned counsel submits that there is no allegation
that this petitioner has participated in the alleged occurrence in
taking away of the victim girl. The victim girl has returned and



she has made a statement under Section 164 Cr.P.C. wherein also the name of this petitioner has nowhere transpired. The F.I.R. itself was registered in this case after about two months and till date a supplementary investigation is going on against the petitioner which fact would be evident from the observation of learned Sessions Judge, Madhepura in the impugned order.

Learned A.P.P. for the State does not dispute the submissions of learned counsel for the petitioner.

Having regard to the facts and circumstances of the case, this Court directs that the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Gamharia P.S. Case No. 129 of 2012, shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

