

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25173 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- UJIYARPUR District- Samastipur

MANTOSH KUMAR, aged about 23 years, Male, son of Ram Sevak Ray,
Resident of Village - Mohanpur, P.S.- Samastipur Muffasil, District -
Samastipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, APP

For the Opposite Party/s : Mr. Narshing Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 08-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through Virtual Court Proceeding.

In this case, the petitioner is seeking regular bail in
connection with Ujiyarpur P.S. Case No. 66 of 2020, registered
for the offence under Sections 363 and 366 of the Indian Penal
Code.

An F.I.R. has been lodged by one Neelam Devi, that
her daughter namely, Rabina Kumar, who is a married lady, was
working in a music company. On 05.03.2020 the informant had
gone to the music company and in course of returning to house
someone kidnapped her. Later on, the daughter of the informant
was recovered and she made statement that while she was
coming from the music company, the petitioner kidnapped her



and brought her to Rudauli Chowk where she was confined in a room but, after certain moment, she could snatch the mobile and made call. On next date, she was brought to a temple and petitioner solemnized marriage with her and established physical relation. It has further been stated that she wants to live with her husband.

Learned counsel for the petitioner submits that both the parties were knowing each other and it does not stand to that reason that she was kidnapped by the petitioner singly rather, the real fact is that she voluntarily gone with the petitioner and later on, developed a new story in order to trap the present petitioner. He further submits that the petitioner could have refused to enter into the marriage by raising alarm and making statement to the priest of the temple.

Looking to the aforesaid facts and circumstances of the case as well as the manner of kidnapping, as alleged by the informant, inasmuch as, the petitioner is in custody since 17.03.2020, this Court is inclined to grant bail to the petitioner. Let the petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsingsarai, District- Samastipur, in



connection with Ujiyarpur P.S. Case No.66 of 2020, subject to the condition that the petitioner would cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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