

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6795 of 2020

Arising Out of PS. Case No.-428 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. SHIV SHANKAR YADAV Son of Sudama Yadav Resident of Village - Bharauli, P.S.- Andar, Distt - Siwan.
2. Sonu Kumar Yadav Son of Shiv Shankar Yadav Resident of Village - Bharauli, P.S.- Andar, Distt - Siwan.
3. Vikash Kumar Yadav Son of Son of Shiv Shankar Yadav Resident of Village - Bharauli, P.S.- Andar, Distt - Siwan.
4. Jagmato Devi Wife of Shiv Shankar Yadav Resident of Village - Bharauli, P.S.- Andar, Distt - Siwan.
5. Meera Devi Wife of Sonu Kumar Yadav Resident of Village - Bharauli, P.S.- Andar, Distt - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-02-2021 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 363, 366(A), 34 of the Indian Penal Code.

Allegation against petitioner and other co-accused is of kidnapping the minor daughter of the informant for the purpose of marriage.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has



been further submitted that occurrence took place on 03.11.2019 but FIR was lodged on 14.11.2019 after delay of 11 days without any explanation. It has been further submitted that statement of victim was recorded under Section 164 Cr.P.C. in which she has stated that she had gone with the son of petitioner no. 1 out of her own volition and sweet will and she had love affair with him and they have also solemnized marriage. The victim was examined by the Medical Board and which has opined that she is about 18-19 years, however no injury or commission of rape has been ascertained. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Muffasil P.S. Case No. 428 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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