

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30082 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- PARIHAR District- Sitamarhi

Sanjeev Kumar Jha, Son of Bikau Jha, Resident of Village - Parihar, P.S.-
Parihar, Dist.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapna Kumari, daughter of Trilok Jha, resident of Village & P.S.-Parihar,
District-Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Vaidehi Raman Prasad Singh, Advocate
For the S t a t e : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 16-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Parihar P.S. Case No.251 of 2019 registered for the offence punishable under Section 363/366A of the Indian Penal Code.

From the office note, it appears that the notice was received by Opposite Party No.2 personally, that also on 19.02.2021. Thereafter the matter has been adjourned twice awaiting appearance of Opposite Party No.2. Opposite Party No.2 has, however, not appeared till date.

The allegation against the petitioner is that the informant's daughter has been taken away by him on a



motorcycle.

The learned counsel for the petitioner submits that the prosecution case stands belied from the fact that the parties have solemnized marriage. The certificate in support of such marriage issued by a Trust has been placed on record as Annexure 4. It is under these circumstances that notice was earlier issued. The Opposite Party No.2 has still chosen not to appear. Learned counsel for the petitioner further submits that the alleged victim was a major, her date of birth being 15.11.2000, and the entire case is false and fabricated. The petitioner bears a clean antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi, in connection with



Parihar P.S. Case No.251 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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