

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44290 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- RAJAOLI District- Nawada

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MUKESH KUMAR @ MUKESH YADAV Son of Dwarika Pandit Resident
of Village - Horila, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner, learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Rajauli P.S. Case No. 185 of 2021, registered under Sections
365 and 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.04.2021, and is a person of
clean antecedent and charge-sheet has been submitted, learned
counsel further submits that from perusal of the F.I.R. it would
manifest that informant alleges that on 21.04.2021 at about 3:00
A.M in the morning with his minor daughter aged about 17
years age was sleeping in the house but when her mother at 5:00
A.M went in the room for cleaning she saw the door open and
his daughter was not present in the room, it is next alleged that



4-5 days back F.I.R. named accused persons had threatened the informant that they will kidnap his daughter and it is next alleged that F.I.R. named accused persons including the petitioner kidnapped his daughter by gagging her mouth and even jewellery and cash worth Rs. 2,00,000/- was taken. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that it is a case of elopement where the victim eloped with the petitioner with jewellery and cash. Learned counsel further submits that the girl was recovered and in her statement recorded at para 23 of the case diary she has specifically stated that she was in love with this petitioner and they have married and, thus does not support the prosecution case. Learned counsel further submits that even assuming for the present that what has been alleged in the F.I.R. is true without admitting, then also the victim had reached the age of discretion and was capable of understanding the consequences of her action. Learned counsel submits that the victim on her own sweet will eloped with this petitioner and thus did not support the prosecution case.

Learned APP for the State opposes the prayer of regular bail application of the petitioner.

Considering the fact that the petitioner is in custody



since 27.04.2021, charge-sheet has been submitted in this case and the victim in her statement before the police has not supported the prosecution case and the petitioner, is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 185/2021, provided the learned court below is satisfied that the victim in the case diary has stated that she was in love with the petitioner and has married.

(Satyavrat Verma, J)

Ranjeet/-

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