

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36350 of 2020

Arising Out of PS. Case No.-318 Year-2020 Thana- SHERGHATI District- Gaya

1. DILIP SAO @ DILIP SAHU Son of Shri Pushkar Sao @ Pushkar Resident of Mohalla -Sabina Rudal, P.S.- Hiranbhangri, District - Udaipur (Rajasthan)
2. Deepak Sao @ Deepak Sahu Son of Shri Anil Ji Sahu @ Pushkar Sao Resident of Mohalla - 20 Main Road Sabina, P.S.- Hiranbhangri, District - Udaipur (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Udbhav, Adv.
For the Opposite Party/s	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-03-2021 Heard the learned counsel for the petitioners, Sri Ajay Kumar Thakur and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioners seek regular bail in connection with Sherghati P.S. Case No. 318 of 2020, registered for the offence punishable under Sections 370, 372 and 373/34 of the Indian Penal Code.

The case of the prosecution is that the settlement of the marriage of the informant was arranged with the petitioner no. 1 and for that purpose, the family members of both the sides



had assembled at J.K.Hotel, however, the informant had said that she would solemnize marriage after few days, but the accused persons started insisting to perform the marriage there and then, to which, the informant had protested, nonetheless, she was forced to wear a new sari and vermilion was put on her forehead forcibly and the accused persons had taken her away in a car, whereafter they are stated to have proceeded to Udaipur, however, on the pretext of call of nature, the informant had escaped and raised an alarm, whereupon the police had arrived there and arrested the accused persons including the petitioners herein.

The learned counsel for the petitioners, Sri Ajay Kumar Thakur, has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 05.07.2020. The learned counsel for the petitioners has further submitted that there is no allegation of any sort of untoward



incident having been committed by the petitioners with the victim lady, hence, they should be given benefit of doubt for the purposes of grant of bail.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh, has vehemently opposed the prayer for bail and has submitted that the petitioner no. 1 is alleged to be the bridegroom and after the marriage was settled, the petitioner no. 1 had forcibly insisted for performing the marriage on the very same day, there and then, whereupon the petitioner no. 1 and his family members had forcibly taken away the victim lady with them to Udaipur but the informant escaped on the way.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also those available in the case diary, this Court finds that there is minuscule evidence on record so as to connect



the petitioner with the alleged crime and moreover, no untoward incident has been alleged to have been committed by the petitioners herein with the victim lady, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheghati (Gaya) in connection with Sherghati P.S. Case No. 318 of 2020.

(Mohit Kumar Shah, J)

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