

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37579 of 2020

Arising Out of PS Case No.-237 Year-2016 Thana- PHULWARISHARIF District- Patna

Pankaj Kumar, aged about 24 years, Male, Son of Nageshwar Yadav @ Naga Yadav, Resident of Laxmanpur, PS- Ara (Muffasil), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
For the State	:	Mr. Sailendra Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Subodh Kumar Jha, learned counsel for the petitioner and Mr. Sailendra Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Phulwarisharif (Janipur) PS Case No.237 of 2016 dated 20.04.2016, instituted under Sections 366(A)/34 of the Indian Penal Code.

3. This is the 4th attempt for bail by the petitioner as earlier such prayer was rejected vide order dated 04.10.2016 in Cr. Misc. No. 40628 of 2016; order dated 31.01.2018 in Cr. Misc. No.



1740 of 2018 and order dated 20.02.2019 in Cr. Misc. No. 78154 of 2018.

4. Learned counsel for the petitioner submitted that though as per the FIR, the petitioner along with others had kidnapped the 12 years old daughter of the informant, but the very next day, she was recovered and has recorded a statement before the Court under Section 164 of the Criminal Procedure Code, 1973 in which she has clearly indicated that the petitioner did not commit any wrong with her and further the petitioner had promised to marry her and she had also agreed but then it is said that she cannot marry him as he belonged to a different caste. Learned counsel submitted that there is no allegation of any wrongdoing and the petitioner having no criminal antecedent is in custody since 23.04.2016.

5. Learned APP submitted that the informant had alleged kidnapping of his minor granddaughter. However, he did not controvert that the girl has not alleged any wrongdoing against him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Session Judge, XIIIth, Patna in Phulwari Sharif (Janipur) PS Case No.237 of 2016, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and (iii) that the petitioner shall cooperate in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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