

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37730 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Ram Ashish Yadav @ Ram Shish Yadav, Male, aged about 32 years, Son of Dukha Yadav, Resident of Village-Pansalla, PS-Khodabandpur (Chhaurahi), District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shashank Shekhar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Khodabandpur (Chhaurahi) PS Case No. 267 of 2019 dated 11.12.2019, instituted under Sections 366A, 504 and 506/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with two other co-accused had kidnapped the minor daughter of the informant with bad intention or marry her.



5. Learned counsel for the petitioner submitted that he is absolutely innocent and has been falsely implicated at the behest of his enemies who have manipulated the informant to give his name also as an accused. It was submitted that later on, the informant has filed protest petition before the learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai on 08.09.2020, in which, *inter alia*, it has been stated that the name of the petitioner was wrongly introduced by the co-villager who had accompanied him to the police station for getting the FIR instituted and that the informant had neither taken the name of the petitioner nor had expressed any suspicion against him. Learned counsel submitted that the petitioner having no criminal antecedent is totally innocent. He submitted that as per information available with the petitioner, the girl has married co-accused Shiv Kumar Yadav and they are living somewhere in Delhi.

6. In view of the aforesaid stand having been taken by learned counsel for the petitioner on 22.07.2021, the Court had asked learned APP to obtain the up-to-date legible photo copy of the entire case diary as well as a report with regard to whether the girl had been traced.



7. Learned APP submitted that he has received the case diary and also a report from the Superintendent of Police, Begusarai which has also been forwarded to the Court.

8. From the same it transpires that the girl upon recovery has been produced before the Court and her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 in which she has stated that she has married co-accused Shiv Kumar Yadav on her own free will and after recording such statement, in view of she being a major, the Court had directed her, as per her wish, to be handed over to her in-laws, which has been done.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that since the girl upon recovery has herself stated before the Court that she had married co-accused Shiv Kumar Yadav without there being any threat or coercion or force and she being handed over to the in-laws' family, as per her wishes, the Court is persuaded to allow the prayer for pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, 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 Sub Divisional Judicial Magistrate, Manjhaul, District- Begusarai in Khodabandpur (Chhaurahi) PS Case No. 267 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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