

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5924 of 2021

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

1. KAILASH SAW Son of Chaturbhu Saw Resident of Mohalla - Awani Mata Colony, 501, Police Station - Heeranmangri, District - Udaipur (Rajasthan).
2. NARAYANI TELI Son of Kishanlal Teli @ Kishan Lal Resident of Mohalla - 51, parashwanath Colony, Ward No. 23, Savina, Police Station - Heeranmangri, District - Udaipur (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Gajendra Kr Singh, Manish Kr No 2, Advs
For the Opposite Party/s : Mr Pranav Kr, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-06-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Sherghati Police Station (for brevity, *PS*) Case No 318 of 2020 instituted for the offence punishable under Sections 370, 372, 373/34 of Indian Penal Code.

Prosecution case is that the settlement of the marriage of the informant was arranged with co-accused Dilip Sao @ Dilip Sahu and for that purpose, the family members of both 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 then and there, to which the informant had protested. 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, where after 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.

Petitioners' counsel submits that the petitioners are innocent. They have been falsely implicated in this case. Having clean antecedent, the petitioners are in custody since 05.07.2020. It is further submitted that no overt act is attributed against the petitioners. Similarly situated co-accused has been granted bail in Cr Misc No 36350 of 2020.

Learned APP for the State opposed the prayer for bail. It is submitted that the victim was being forcibly taken away to Udaipur, but she escaped in the way.

Considering the aforesaid, let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati PS Case No 318 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

