

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8081 of 2022**

Arising Out of PS. Case No.-474 Year-2021 Thana- MADHAURAH District- Saran

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Animesh Kumar @ Animesh Kumar Yadav @ Sumuk Lal @ Sumuk Lal
Yadav @ Subhuk Lal Yadav S/O Kartik Yadav Resident Of Village- Basua,
P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Madhauda (Goura) O.P. P.S. Case No. 474 of
2021 registered for the alleged offences under Sections
366(A)/34 of the Indian Penal Code.

As per prosecution case, the son of the petitioner
enticed away the minor daughter of the informant and the
petitioner and other co-accused persons are alleged to have
given allurement to the minor daughter of the informant for



the purpose of marriage and kidnapped her.

Learned counsel for the petitioner submits that the petitioner is innocent and allegations are palpably false and fabricated. The petitioner is resident of district Khagaria whereas informant belongs to district Saran. Son of the petitioner, co-accused Nikhil Kumar, is already married and this petitioner has nothing to do with his son if he left with the daughter of the informant. Against this petitioner, the only allegation is that he along with co-accused persons were present in his house and drove away informant when he went in search of his daughter. Even during investigation, nothing substantive came up against this petitioner to connect him with the alleged occurrence. Moreover, the date of alleged occurrence is 02.08.2021 whereas FIR has been registered only on 11.08.2021 which shows due deliberation after thought on behalf of the informant. Charge sheet has been submitted in this case and the petitioner is in custody since 18.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner has been named in the FIR and there is allegation of enticing away the minor daughter of the informant.



Having regard to the submission made hereinabove and considering the fact that the allegation against this petitioner are general and vague and further considering the fact that charge sheet has been submitted and the period of the custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Madhauda (Goura) O.P. P.S. Case No. 474 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) The petitioner will not commit similar type of offences in future.
- (v) In case of absence on three



consecutive dates or in violation of
the terms of the bail, the bail bond of
the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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