

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11566 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- GOPALPUR District- Patna

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SUBHASH RAI SON OF LATE GANGA RAI RESIDENT OF VILLAGE-
MOHANPUR, KACHHUWARA, P.S.- GOPALPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhilesh Dutta Verma

For the State : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Gopalpur P.S. Case No. 131 of 2021 registered
for the alleged offences under Sections 363 and 366 of the
Indian Penal Code.

It is allegedly submitted that the petitioner enticed
away the wife of the informant and she went away taking
money kept in her house.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. The victim lady herself went away with the petitioner on her sweet will and she is aged about 40 years and having son, daughter and daughter-in-law so it is not possible for someone to abduct her. Her statement under Section 164 of the Cr.P.C. is under pressure by her husband and other family members. The occurrence took place due to the fact that there has been love affair between the petitioner and victim lady and they went away to Hazaribagh and performed their marriage. Marriage agreement was also executed which shows her willingness. The learned counsel further submits that falsity of the case is apparent from delay in lodging the FIR as alleged occurrence took place on 04.04.2021 whereas the FIR has been registered on 10th April, 2020. The petitioner has no criminal antecedent and petitioner is in custody since 29.08.2021.

Learned A.P.P. for the State has opposed the prayer on behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the victim lady leaving her house on her own will cannot be ruled out and further taking into consideration the period of custody, 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 A.C.J.M.-IX, Patna in connection with Gopalpur P.S. Case No. 131 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for 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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