

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12370 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KATORIYA District- Banka

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PANKAJ KUMAR YADAV, Son of Dipu Yadav Resident of Village- Kagisar,
P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Katoriya P.S. Case No. 1 of 2022, registered for the

offences punishable under Sections 366(A)/34 of the Indian

Penal Code

As per the allegation, the petitioner came to the

house of the informant by motor-cycle and kidnapped his

minor daughter for the purpose of marriage. One Anil Yadav

was also involved in the alleged kidnapping.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He has further submitted that the victim is about 18 years of age as per the F.I.R. as well as assessment made by the learned Magistrate who has recorded the statement of the victim under Section 164 Cr.P.C. He further submits that as per the statement given under Section 164 Cr.P.C., the victim has not supported the case of kidnapping because as per her statement, on the alleged date of occurrence she had gone to Deoghar to meet her friend Kiran Kumari. She has not made any allegation of kidnapping against the petitioner.

The petitioner is in custody since 01-01-2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

In view of the facts and circumstances of this case, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 1 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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