

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32475 of 2021**

Arising Out of PS. Case No.-248 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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GUDDU YADAV @ GUDDU KUMAR Son of Rajdeo Yadav @ Rajadev
Yadav Resident of Village - Prabhua, P.S.- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh,Adv
For the Opposite Party/s : Mr.Pranav Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 09-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Magadh
Medical P.S.Case No.248 of 2019 registered for the offence
under Section 366(A) of the Indian Penal Code.

As per FIR, prosecution case in brief is that informant
Bimla Devi has stated that on 22.10.2019, the petitioner enticed
and kidnapped her 14 years old daughter namely Anjali Kumari
from her house, then she reached to the house of petitioner,
where she met his father and stated about the matter, then he
replied that on 19.10.2019 his son (petitioner) had gone from
house taking Rs.6000/- and he also tried to make contact with
him, but could not succeed, so far he is also trying to trace out



and he also assured her to hand over her daughter within one or two days. After four days, when she contacts his parents, they replied that his son has taken away her daughter intending to get marry and her daughter will never be handed over. So it is clear that petitioner and his parents are also indulged in abducting her daughter.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the victim girl has love affairs with the petitioner. He further submits that the daughter of the informant had never been abducted by the petitioner rather she had gone according to her own Will with the petitioner. Learned counsel for the petitioner submits that the victim girl in her 164 statement of the Cr. P.C. clearly stated that she was gone with the petitioner with her own Will and no one has abducted me and on 11.10.2019 the petitioner and the victim girl has performed marriage in Varanasi. Learned counsel for the petitioner submits that it appears from the statement of the victim girl under Section 164 Cr.P.C. that the present case has been instituted by the family members of the victim girl only to harass the petitioner and the petitioner is in custody since 29.12.2020.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Magadh Medical P.S.Case No.248 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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