

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35864 of 2021

Arising Out of PS. Case No.-186 Year-2008 Thana- KATORIYA District- Banka

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KAMESHWAR YADAV Son of Late Gullo Yadav Resident of Village -
Jangira, Police Station - Chandan, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-01-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Katoriya P.S. Case No. 186 of 2008 registered for the offence under Sections 363 and 364 of the I.P.C.

As per the allegation the victim was abducted by her brother-in-law with the help of the petitioner and others.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that petitioner has got no criminal antecedent and referring to Annexure -2 to this bail petition which is statement of the victim girl recorded under Section 164 Cr.P.C. he submits that the victim girl has not stated anything against the petitioner.



By Annexure- 3 to this application Police submitted final form under Section 366 I.P.C. against other accused persons and petitioner has not been sent for trial by the Police. However, learned Magistrate has differed with the Police report and has taken cognizance against the petitioner and the petitioner is in custody since 05/03/2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that the victim in her statement recorded under Section 164 Cr.P.C. has not said anything against the petitioner, Police submitted final form not sending the petitioner for trial and he is in custody since 05/03/2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate / Successor Court, Banka in connection with Katoriya P.S. Case No. 186 of 2008.

praful/-

(Anil Kumar Sinha, J)

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