

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30689 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BANIAPUR District- Saran

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Munna Kumar Rai Alias Munna Kumar S/o Bijai Rai @ Vijay Kumar Yadav
Resident of Village-Bedauli, Kathari Tola, P.S.-Baniapur, District-Saran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Most. Shanti Kuwar W/o Late Punyadeo Rai Resident of Village-Ibrahimpur, P.O.-Harpur Karah, P.S.-Baniapur, District-Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Baniapur P.S. Case No. 135 of 2022 registered for the offences
under Sections 366(A)/34 of the Indian Penal Code.

As per allegation the informant's daughter was
abducted by this petitioner with the help of other co-accused
persons and at the time of alleged occurrence the victim's
marriage was fixed by the informant.

The main submissions advanced by learned counsel
Mr. Subodh Kumar Sinha for the petitioner are that the so-called
victim is a major girl and she has been recovered and she has



recorded her statement under Section 164 Cr.P.C. in which she has not supported the allegation made in the FIR and the petitioner has been languishing in jail since 16.03.2022.

Learned APP Mr. Dinesh Singh appearing for the State has opposed the bail prayer and clearly accepted that the so-called victim has not supported the allegation of the FIR before the Judicial Magistrate in her statement.

In view of the above submissions and mainly considering the statement of so-called victim recorded under Section 164 Cr.P.C. which completely goes against the allegation made in the FIR and it was revealed by the victim before the Judicial Magistrate that she left the house of her guardian according to her own will as her marriage had been fixed by her mother against her consent, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in Connection with Baniapur P.S. Case No. 135 of 2022.

(Shailendra Singh, J.)

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