

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45988 of 2021**

Arising Out of PS. Case No.-149 Year-2021 Thana- BANKA District- Banka

SANTOSH YADAV @ SANTOSH KUMAR YADAV Son of Umesh Yadav
Resident of Village - Vijay Nagar, P.S. and District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

Petitioner seeks bail in connection with Banka P.S. Case no. 149 of 2021 registered for the offence punishable under section 366A of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 2.3.2021, is person with clean antecedent and charge sheet has been submitted and allegation in brief is that petitioner on 25.2.2021 abducted minor daughter of the informant with an intent to marry. Learned counsel draws



the attention of the court to Annexure 2 to the bail application which is statement of the victim recorded under section 164 Cr.P.C and she has disclosed her age as 17 years. Victim has not supported the prosecution case and very fairly stated that she is in love with the petitioner and they had married at Hanuman Mandir, Railway station at Patna and thereafter she came back to her home. Learned counsel submits that 17 years has reached the age of discretion and thus at her own volition eloped with the petitioner and married but the petitioner came to be falsely implicated by the informant despite the fact that her daughter was in love with this petitioner.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and is a person with clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 2,000/- (two thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Banka P.S. Case no. 149 of 2021.

(Satyavrat Verma, J)

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