

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2874 of 2022

Arising Out of PS. Case No.-824 Year-2021 Thana- MADHEPURA District- Madhepura

Sonu Kumar S/O Sikendra Yadav Resident of Village- Sundarpatti, P.O.-
Manikpur, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Govind Ram S/O Late Ayodhi Ram Resident of Village- Sundarpatti, Ward
no- 10, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-12-2022 Heard learned counsel for the appellant and learned
S.P.P. for the State.

Learned counsel for the appellant is directed to
remove the defects within 2 weeks.

The present appeal has been filed against the order
dated 28.07.2022 passed by learned Additional Sessions Judge-
1st- Cum-Special Judge, Madhepura in SC/ST Case No. 115 of
2021, Madhepura (Bharrahi O.P.) Police Station Case No. 824
of 2021.

As per the prosecution case, the allegation of
kidnapping has been made against the present appellant. On
07.10.2021 at 3 a.m. the informant awoke and saw that his

daughter was not in the room. Upon search he found that there is no trace of his daughter. At about 1 p.m., from search it came to the knowledge of the informant that a villager(appellant) has also disappeared from his house. In *Panchayati*, the accused persons assured the informant to provide his daughter on 20.10.2021 at 8 p.m.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that the date of occurrence is 07.10.2021 whereas F.I.R. was lodged on 21.10.2021 after a delay of 14 days. Learned counsel for the appellant submits that informant's daughter is a major girl and she fell in love with the appellant. And she married with the appellant in temple and was living with him. Learned appellant further submits that statement of the alleged victim girl under Section 164 of the Cr.P.C. took place, in which she accepted that she married with the appellant with her own consent. Learned counsel for the appellant submits that appellant is in custody since 24.05.2022 having clean antecedent.

Learned counsel for the Spl.P.P. opposes the prayer for bail.

In the present facts and circumstances of this case and

the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 824 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

Accordingly, the impugned order dated 28.07.2022 passed by learned Additional Sessions Judge-1st- Cum-Special Judge, Madhepura in SC/ST Case No. 115 of 2021, Madhepura (Bharrahi O.P.) Police Station Case No. 824 of 2021 is set-aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

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