

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64100 of 2021

Arising Out of PS. Case No.-925 Year-2019 Thana- MADHEPURA District- Madhepura

SHANKAR KUMAR YADAV Son of Tapeshwari Yadav Resident of Village-
Maura Pastpar, P.S.- Sourbazar, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that his wife disappeared while they had gone to visit “the mela”. It transpired that she had been taken away in a car by one Shankar Kumar Yadav (petitioner).

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The same would be evident from the contents of the statement of the wife of the informant under section 164 Cr.P.C which is Annexure-2 to the petition. She describes her age to be 18 years i.e. she is a major. She further states therein that she had



accompanied the petitioner on the false assurance by the petitioner of marriage. The petitioner happens to be the devar (brother-in-law) of her uncle's daughter. It is thus submitted that from the contents of the statement under section 164 Cr.P.C it is not a case of kidnapping but a case of elopement. The petitioner is in custody since 28.8.2021 and charge sheet has been submitted in the case. The petitioner has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the statement of the wife of the informant under section 164 Cr.P.C, she having returned back home, the petitioner having remained in custody for more than 7 months and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Madhepura P.S. Case no. 925 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Madhepura.

(Partha Sarthy, J)

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