

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70637 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- UCHKAGAON District- Gopalganj

Sawaminath Sah, S/o Late Saryug Sah R/o Village- Bankikhal, P.S.-
Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Adv.
		Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Uchakagaon P.S. Case No.182/2021 instituted under Sections 363, 366A, 372, 323, 504, 506/34 of the Indian Penal Code.

The allegation in the FIR is that when the informant was sleeping in her house with her daughter and sons, it is alleged that the accused persons named in the FIR knocked their door and later at gun point, accused Mantu Sah forcibly took away her minor daughter Shruti Kumari. Further allegation is that upon protest, they also assaulted her. She lastly apprehended that the accused persons may perform the marriage of her daughter against her will or she may be sold or killed.



Accordingly, the present FIR was instituted. Subsequently, the victim girl was recovered and she has made a statement under Section 164 of the Cr.P.C. in which she has stated that she had gone with accused Mantu Sah on her own and have married him in Delhi. She further stated that she was not kidnapped by anyone.

Be that as it may be, the petitioner is the father of accused Mantu Sah. The allegation against Mantu Sah is that of taking away the informant's daughter. In view of the fact that the petitioner has no criminal antecedent and is in jail since 05.08.2021 (as stated in para-12 of the bail application), this Court is inclined to grant him privilege of bail.

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 in connection with Uchakagaon P.S. Case No.182/2021 to the satisfaction of learned A.C.J.M.,IXth, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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