

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19549 of 2023**

Arising Out of PS. Case No.-309 Year-2014 Thana- NAWADA District- Nawada

Sharwan Yadav @ Shrawan Kumar @ Shrawan Yadav Son of Balchandra Prasad Yadav @ Balchand Yadav R/V- Budhauri, P.S- Pakribarawan, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      13-06-2023                      Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Nawada P.S. Case No. 309 of 2014 registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that his son Pappu Kumar, who is a student aged about 16 years has been kidnapped by the FIR named accused persons, including the petitioner for the purposes of marriage.

It is submitted on behalf of the petitioner that the alleged victim boy was recovered on the same day of his



abduction and in his statement recorded under Section 164 Cr.PC., he took the name of six persons including the petitioner with an allegation that they forcefully took away, however, no marriage has been solemnized. He further submits that the persons whose name also surfaced in the confessional statement of the victim recorded under Section 164 Cr.PC., have been allowed the privilege of anticipatory bail by the court below itself on 02.12.2022 vide Annexure-3 to the bail petition. He next submits that so far the offence under Section 366A of the I.P.C. is concerned, the same is not applicable in the present crime, apart from the fact that the parties have compromised the matter on their own free will. He lastly submits that the petitioner is a man of fair antecedent and the delay has occurred only because of the fact that at no point of time any process has been served upon the petitioner and for the first time warrant of arrest has been issued on 22.01.2021, despite the fact that the parties have compromised the matter.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is named in the FIR and played active role.

Regard being had to the submissions made on behalf of the parties and considering the fact that the victim boy has



already recovered and he denied the factum of solemnization of marriage and further from the allegation, no case is made out under Section 366A of the I.P.C., coupled with the fact that the other co-accused persons have been allowed the privilege of anticipatory bail by the court below itself, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada P.S. Case No. 309 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Harish Kumar, J)**

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