

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20971 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- SAHODARA District- West Champaran

Sandeep Kumar @ Sandeep Nishad Son Of Sri Lalu Nishad @ Lalu Mukhiya
Resident Of Village - Dhabia, Bhawanipur, P.S.- Srinagar (Pujahan), District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Sahodara P.S. Case No. 37 of 2022 registered
on 29.03.2022 for the alleged offences under Sections 363, 366,
34 of the Indian Penal Code.

04. As per prosecution case, the informant made
allegation against the petitioner and other co-accused persons
that they helped his daughter eloped with petitioner, who ran
from the house taking with her Rs. 2.5 lacs and a number of
gold ornaments.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that informant's daughter is major and she is aged about 20 years. She herself eloped with Rs. 2.5 lacs and 09 items of gold ornaments, as she was in love with the petitioner. The victim has filed petition supported with affidavit, stating that she was neither kidnapped nor she was enticed away rather she herself entered into wedlock with the petitioner. The present case is not of kidnapping since the daughter of the informant is major and she solemnized marriage out of her own sweet will and volition. The petitioner is in custody since 02.11.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the daughter of the informant is said to be a major and she solemnized marriage with petitioner out of her sweet will and also considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 37 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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