

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21950 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- SABAUR District- Bhagalpur

=====

SURAJ YADAV @ SURAJ KUMAR Son of Sunil Yadav Resident of village
- Gopalpur, P.S.- Zero Mile, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Dinesh Mandal Son of Late Kuldeep Mandal Resident of village - Chhoti Ibrahimpur, P.S.- Sabour, District - Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard the parties.

The petitioner seeks bail in connection with Sabour
P.S. Case No. 200 of 2021 registered for the offences punishable
under Sections 363, 366(A)/34 of the Indian Penal Code.

As per prosecution case, there is allegation against
the petitioner to kidnap the informant's daughter with intention
to marry.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.10.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that victim statement was recorded and she has stated that she joined the company of her husband(petitioner) with her own will. Petitioner did nothing to induce the victim to leave the parental house. He further submits that both had solemnized the marriage in temple and after marriage they are leading conjugal life as husband and wife.

The learned counsel for the informant did not object on the point that both petitioner and victim have solemnized the marriage in temple and petitioner did nothing to induce the victim. Learned A.P.P. for the State conceded the same argument.

Considering the facts and circumstances of the case, period of custody, petitioner did nothing to induce the victim as mentioned in statement of victim recorded under Section 164 of Cr.P.C, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 200 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

