

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24055 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- NOKHA District- Rohtas

1. ANISH YADAV @ ANISH KUMAR SON OF DHARMENDRA YADAV @ DHARMENDRA SINGH R/O VILLAGE- BARAON, P.S.- NOKHA, DISTRICT- ROHTAS AT SASARAM
2. MANISH YADAV @ MANISH KUMAR SON OF DHARMENDRA YADAV @ DHARMENDRA SINGH R/O VILLAGE- BARAON, P.S.- NOKHA, DISTRICT- ROHTAS AT SASARAM
3. SUNITA DEVI WIFE OF DHARMENDRA YADAV @ DHARMENDRA SINGH R/O VILLAGE- BARAON, P.S.- NOKHA, DISTRICT- ROHTAS AT SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard the parties.

Petitioners apprehend their arrest in connection with
Nokha PS Case No. 476 of 2022 dated 15-12-2022 registered
under Section 366A / 34 of the IPC.

As per the allegation against the petitioners they
abducted the minor daughter of the informant. It has further
been alleged that the daughter of the informant fled away as a
result of enticing with gold ornaments and a sum of Rs. 55,000/
from possession of the informant.

Learned counsel for the petitioners submits that the



victim girl was having love affair with the petitioner no. 1 and the petitioner nos. 2 & 3 have been made accused merely because they happen to be the brother and the mother of the petitioner no. 1. He further submits that the petitioner no. 1 and the victim has solemnized marriage in a temple at Gaziabad which would be evident from Annexure- 2 Series of this bail application. Learned counsel further submits that the victim girl is major, which would be evident from the order dated: 27-01-2023 passed by learned ACJM 1st, Sasaram where the girl was produced by the Police for recording statement under Section 164 Cr.P.C.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that minor daughter of the informant was abducted by the petitioners and their family members due to allurements caused by the petitioners. He further submits that the daughter of the informant fled away with valuables from her house but no FIR has been lodged by the Police under Section 379 & 120B of the I.P.C.

Regard being had to the submissions made by the parties, taking into consideration the material on record and the fact that the learned ACJM 1st, Sasaram has come to the



conclusion on the basis of educational certificates issued by Bihar School Examination Board that the victim girl was major aged about 19 years on the date of occurrence and the victim has solemnized marriage with the petitioner no. 1, as such, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. -2, Sasaram, Rohtas / concerned court in connection with Nokha PS Case No. 476 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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