

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25921 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Barun Kumar @ Varun Yadav Son Of Late Parmanand Yadav Resident Of
Village - Haripur, Ward No.14, Police Station - Salkhua, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh, Advocate.
For the Opposite Party/s	:	Ms.Pushpa Sinha.1, APP.
For the Informant	:	Mr. Bhubneshwar Mahto, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Shailendra Kumar Singh, learned counsel
appearing on behalf of the petitioner; Ms. Pushpa Sinha, learned
APP for the State and Mr. Bhubneshwar Mahto, learned counsel
for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Saharsa Sadar P.S. Case No. 02 of 2023 registered for the
offence punishable under Sections 363 and 365 of the Indian
Penal Code.

3. The allegation against the petitioner is of
kidnapping the cousin brother of the informant for the purpose
of marriage with a girl of his relation.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent. The alleged
incidence took place on 17.12.2022 and the F.I.R. was lodged on



01.01.2023 after a delay of fifteen days. The allegation of kidnapping of the cousin brother of the informant is not sustainable on the fact that after hatching conspiracy F.I.R. has been lodged just to implicate the petitioner in a false case. Petitioner has clean antecedent.

5. Learned counsel appearing on behalf of the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He has submitted that petitioner is the one who had kidnapped the cousin brother of the informant.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that the victim has not taken the name of the petitioner in the F.I.R. which has been lodged after a much delay and the petitioner has clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the 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 C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 02 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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