

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27429 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- JALALPUR District- Saran

SUBODH KUMAR UPADHYAY @ SUBODH UPADHYAY S/O
SARBESHWAR KUMAR UPADHYAY Resident of Village- Silhauri, P.S.-
Marhowrah, District- Saran (Chhapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Jalalpur P.S. Case No. 300 of 2022 registered for the offence under Sections 363 and 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 12.11.2022.

The allegation against the petitioner is to kidnap the minor daughter of informant, aged about 17 years, for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as same is appearing convincing from the statement of victim, as



recorded under Section 164 of the Cr.P.C. It is submitted that from the statement of the victim it is clear that marriage of victim has already solemnized with this petitioner out of consent of parents/informant of this case and she was living happily with this petitioner, but on one very day by making an excuse about illness of mother of victim, the victim was called by the informant for her paternal home and request her to live there at least for 10 days, where, victim came to know that informant's father fixed her marriage with another person, namely, Amit Kumar Mishra against cash of Rs. 1,50,000/-. While concluding the argument, it is submitted that petitioner found involved in 02 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as victim appears legally wedded wife of this petitioner, as per her statement, as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 12.11.2022, let



the petitioner, above named, is directed to be released on bail in connection with Jalalpur P.S. Case No. 300 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Saran at Chhapra/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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