

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29891 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- BAHERA District- Darbhanga

SHARWAN KUMAR YADAV @ SHARWAN YADAV Son of Kapil Yadav
Resident of village - Jakauli, P.S. - Bahera, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Mohammed Arif,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 03.02.2023 in connection with Bahera P.S. Case No. 47 of 2023, F.I.R. dated 26.01.2023 registered for the offence punishable under Sections 366(A)/34 of IPC.

3. The prosecution case, in short, is that on 28.01.2023, accused persons including the petitioner are alleged to have kidnapped the minor sister (the victim) aged about 17 years for the purpose of marriage and selling.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has



not committed any offence as alleged in the FIR. Further submits that the statement of the victim under Sections 161 and 164 of Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with the petitioner and there is no allegation of kidnapping in her statement and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.02.2023.

5. Learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No. 47 of 2023, with the following conditions:-

(I) One of the bailors should be the victim, namely, Sanju Kumari.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(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.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

