

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29560 of 2023

Arising Out of PS. Case No.-449 Year-2021 Thana- SHERGHATI District- Gaya

MANTU KUMAR @ MINTU KUMAR SON OF MAHENDRA YADAV
R/O VILLAGE DHAWCHIRAIYA (KUSHI) P.S.- SHERGHATI, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Sherghati P.S. Case No.449 of 2021 registered for the offence
under Sections 364 and 365 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 14.10.2022.

4. The allegation against the petitioner is to
kidnap his own wife and son, aged about 4 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that the wife of the petitioner and his minor
son was missing and to search them, this petitioner came to his
village, where, he came to know that his wife out of love affair,



solemnized marriage with one Sintu Kumar @ Kailu, Son of Kuleshwar Yadav, R/o Village – Satbarwa Deo, P.S. - Hunterganj, District – Chatra (Jharkhand) and living thereof with his son. It is submitted that as petitioner was making his own efforts to trace out his family, he failed to lodge any missing report and the moment came to know about marriage of his wife, the present case was lodged by his father-in-law, where, he was apprehended. It is submitted that even if the narration of FIR be taken into consideration, no case of kidnapping is made out, for the reason that the maximum of allegation what appears against petitioner is to leave the daughter of informant and son at Sirsa residence, Haryana and came to his home at Gaya without them. It is also pointed out by learned counsel that petitioner also solemnized marriage out of matrimonial discord, and on so present false implication was raised. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as



mentioned above and by taking note of the fact as narration of the FIR is not suggesting, *prima facie*, occurrence as kidnapping, where, on affidavit it is averred that wife of this petitioner, solemnized marriage with one Sintu Kumar, as discussed above coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 14.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Sherghati P.S. Case No.449 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Sherghati, Gaya/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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