

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32628 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- ALOULI District- Khagaria

PRASHANT KUMAR YADAV Son of Satish Yadav Resident of village -
Chikani, P.S. - Alauli, Distt. - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2023

Heard the parties.

The petitioner is an accused in connection with Alauli P.S. Case No. 380 of 2022 (G.R. No. 2272 of 2022) registered for the offences under sections 341, 363, 506 and 34 of the Indian Penal Code and section 3/4 of the Prohibition of Child Marriage Act lodged on 14.08.2022 by the informant, Vikesh Kumar.

As per the prosecution story, the allegation against the accused persons including the petitioner is of taking away the informant's younger brother for forcible marriage with the daughter of Sanjay Yadav. Accordingly, the FIR.

It is the case of the petitioner that contrary to the allegation made in the FIR, no such picking up the boy and/or solemnization of the marriage with the daughter of the Sanjay



Yadav took place and only on the basis of suspicion, the accused persons including the petitioner has been dragged in. It is his last submission that the said Sanjay Yadav has already been granted bail by learned Sub-ordinate Court which has been incorporated in paragraph 17 of the petition.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that a 17 years old boy was picked up by them for marrying the daughter of Sanjay Yadav and he was also assaulted, as per the FIR.

Taking into account the submissions put forward by the learned Counsel for the petitioner that no such marriage took place, the petitioner has been falsely implicated in this case, is in custody since 26.01.2023 (as stated in paragraph 16 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st, Khagaria in connection with Alauli P.S. Case No. 380 of 2022, G.R. No. 2272 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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