

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34693 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- HARSIDHI District- East Champaran

CHANDAN YADAV S/o Late Mukhlal Yadav R/o Village- Kritpur Mathiya,
Madhopur, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Harsidhi P.S. Case No. 53 of 2022, registered for the offence punishable under Sections 341, 323, 366 and 504/34 of the Indian Penal Code.

The allegation is regarding the petitioner having kidnapped the daughter-in-law of the informant along with her three children.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.02.222. The learned counsel



for the petitioner has further submitted that it is not that the petitioner had kidnapped the victim lady, but she had voluntarily travelled with the petitioner to Bengaluru and thereafter, she had returned back and in case, she was distressed with the action of the petitioner, she could have raised an alarm at any given moment of time, but she did not do so, hence, the petitioner is not having any complicity in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering materials available in the case diary, apart from taking into account the statement made by the victim lady under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that prima facie, the present case is not a case of kidnapping qua the petitioner herein, but it appears that the victim



lady had travelled to Bengaluru along with her children in a train with the petitioner and then she had informed her-in-laws, subsequently, whereafter her brother-in-law had gone to Tamil Nadu and brought her back, however, on the contrary, a bare perusal of paragraph no. 12 of the case diary would show that the police had recovered the victim lady from a bus stand at Motihari along with the petitioner herein, hence, the incident in question appears to be consensual qua the parties. Under such circumstances, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Harsidhi P.S. Case No. 53 of 2022.

(Mohit Kumar Shah, J)

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