

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58634 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- DHARHARA District- Munger

ARVIND KUMAR @ ARVIND KUMAR YADAV SON OF SHYAM
YADAV RESIDENT OF VILLAGE- BARI LAGMA, PS- BHARAHRA
(HEMZAPUR OP), DISTT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Dharahra (Hemzapur O.P.) P.S. Case No. 20 of 2023 for the offence punishable under Sections 366(A)/504/506/34 of the Indian Penal Code lodged on 1.2.2023 by the informant, Champa Devi.

As per the prosecution story, the allegation is that the informant's daughter was taken away by the petitioner with the help of his family members which led to lodging of the FIR.

It is the case of the petitioner that they were in relationship, the girl left on her own, claims herself to be 18 years of age and further upon return, under 164 of the Cr.P.C. statement, she has made categorical statement that she left the



place on her own, went to Bangalore with the petitioner and got married.

Learned APP opposes the prayer stating that she was minor at the time of occurrence.

Taking into account the submission put forward by the parties, the victim girl upon return has stated that she left the place on her own and the charge of kidnapping is incorrect, FIR lodged and will be facing trial, for the present considering the fact that the petitioner is in custody since 21.2.2023 (para-12 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act) cum Additional Sessions Judge-VI, Munger, in connection with Dharahra (Hemzapur O.P.) P.S. Case No. 20 of 2023 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 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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