

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71198 of 2022**

Arising Out of PS. Case No.-231 Year-2022 Thana- CHIRAIYA District- East Champaran

RAJENDRA SAH @ RAJENDRA PRASAD S/o Late Sukeshwar Sah R/o
Village- Sakardina, P.S.- Chiraiya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 12-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 231 of 2022 registered for the offence under
Sections 363, 366/ 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.05.2022.

The allegation against the petitioner is to kidnap the
daughter of informant aged about 21 years , along with other co-
accused persons/family members, for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the father of main accused, namely,



Arun Kumar, and for the said reason only he was implicated with present allegation. It is submitted that admittedly, the daughter of informant being adult out of her own sweet will, solemnized marriage with son of this petitioner which was duly registered under Special Marriage Act, 1954 before the marriage officer, Mumbai, Maharashtra. It is further submitted that the victim after recovery in her statement as recorded under Section 164 of the Cr.P.C. totally denied the factum of kidnapping and stated that she solemnized her marriage out of her own sweet will with Arun Kumar, who is the son of this petitioner. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as allegation of kidnapping is not available as per statement of victim, recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya P.S. Case No. 231 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, East Champaran,
Motihari/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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