

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31952 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- GAMAHARIYA District- Madhepura

Mukesh Kumar, aged about 24 years (M), S/o- Rajendra Sah, R/O - VILL
-Tulsiyahi, Ward No 02, P.S - Bihra, District – Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate and Mr. Pawan Kumar, Advocate
For the Opposite Party	:	Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-07-2024 Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Gamharia P.S. Case No. 200 of 2023 dated 01.11.2023 registered for the offences punishable under Sections 365 and 366/34 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have abducted the informant's wife and his minor son. When the informant went to the house of the petitioner, his parents(co-accused) ensured him to return his wife but, later on, they refused to return his wife.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in the present case. It is submitted that the victim is a major and she went with the petitioner from her house out of her own will. The petitioner is the brother-in-law (Dewar) of the sister of the victim and he ofently comes to the house of the victim. There was love affair between the petitioner and the victim. The statement of the victim has been recorded under Section 161 Cr.P.C. before the police and 164 Cr.P.C. has been recorded before the learned court below under the pressure of her husband. Thereafter, on 15.01.2024, the informant Praful Kumar Sah who is the husband of the victim, has lodged a Matrimonial (Divorce) Case No. 04 of 2024 against his wife before the learned Principal Judge, Family Court, Madhepura. It is further submitted that the victim denied to be medically examined by the doctor of her own will as stated on the medical prescription of the hospital which is enclosed with the paragraph no. 41 of the case diary. The victim was not forced to illicit relationship with another person. It is further submitted that the victim has not raised any alarm while she was taking to Saharsa by the petitioner and kept her in a hotel for four days and from where to Delhi and kept her for two months with him. The other co-accused Rajendra Sah and Gulab Devi who are the parents of the petitioner have been granted anticipatory bail by a Bench of



this Court vide Cr. Misc. No. 32369 of 2024 under order dated 23.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 21.12.2023.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody of the petitioner, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Madhepura in connection with Gamharia P.S. Case No. 200 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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