

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35591 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- SARSI District- Purnia

Pawan Yadav @ Pawan Kumar son of Umesh Yadav Resident of Village-
Budhiya School Tola, P.S.- Sarsi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sarsi P.S. Case No. 246 of 2003 registered for the alleged offence under Sections 363, 365, 34 of the Indian Penal Code.

03. As per prosecution case, informant gave a written report to the police that the petitioner has enticed away his brother and confined him somewhere.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the allegation is false and concocted and the FIR has been registered more than two months after the alleged occurrence. The victim Domi Yadav



has been recovered and his statement under Section 164 Cr.P.C has been recorded wherein he has made allegation against his own brother that he assaulted him and drove him out of the house. The victim has not made any allegation against this petitioner and in these circumstances, no offence under Sections 363 and 365 is made out against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission about statement of the victim absolving this petitioner from any wrong doing, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea/concerned court in connection with Sarsi P.S. Case No. 246 of 2003 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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