

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33357 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- BIHIA District- Bhojpur

Sonu Yadav @ Sonu Kumar Son of Vijay Yadav @ Vijay Kumar Yadav R/O
Vill.- Chhotki Sahjauli, P.S.- Shahpur, Dist.- Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sami Kumari D/O Maya Kunwar R/O Vill.- Manjhauri, P.S.- Bihiyan, Dist.- Bhojpur, Ara.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Malti Kumari, Advocate
		Mr. Rajendra Singh Shastri, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard Mrs. Malti Kumari, learned counsel for the petitioner duly assisted by Mr. Rajendra Singh Shastri, learned counsel and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Bihiyan P.S. Case No. 180 of 2023 for the offence under sections 363, 366 of the I.P.C. lodged on 12.07.2023 by the informant, Maya Kumar.

3. As per the prosecution story, the informant alleged that his daughter went to attend coaching but failed to return and later, came to know that this petitioner has taken her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



victim girl returned and further, her date of birth is 01.07.2004 which shows that she was nineteen years of age at the time of the lodging of the FIR and in her 164 Cr.P.C. statement, she stated that she went on her own and got married with this petitioner at Bihiya temple and thereafter, moved to Mumbai.

5. It is her further submission that the victim girl chose not go for the medical examination and there is eleven days delay in lodging of the FIR inasmuch as the occurrence is of 01.07.2023 while the FIR lodged on 12.07.2023.

6. Learned APP opposes the prayer stating that the allegation is of abducting the girl.

7. Taking into account the aforesaid submissions put forward by the parties as also the statement of the victim girl under section 164 Cr.P.C., the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Ara (Bhojpur), in connection with Bihiyan P.S. Case No.



180 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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.

(Rajiv Roy, J)

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