

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44665 of 2024

Arising Out of PS. Case No.-946 Year-2023 Thana- MADHEPURA District- Madhepura

Bittu Kumar @ Bijay Kumar S/o Anmol Yadav R/o village- Murho ward no.-
09, P.S.-Madhepura, District-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Narayan Yadav S/o Late Gonar Yadav R/o Village Durgi Tola Murho ward no. 6, P.S.-Bharrahi, District-Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kunwar

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 1. Heard learned counsel for the petitioner, Sri Vivek Kunwar and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 946 of 2023 registered for the offences punishable under Sections 363, 366A, 120B, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 31.03.2024. It is next submitted that the date of occurrence is 23.07.2023 and the FIR has been instituted on 13.09.2023 i.e. after a delay of more than 50 days, which casts an aspersion on the case of the prosecution. It is next submitted that from



perusal of the allegations as alleged in the F.I.R., it would manifest that the informant alleges that his minor daughter aged about 16 years disappeared from the house on 23.07.2023 and later he came to know that the accused persons, named in the FIR, were involved in the occurrence and they got his minor daughter married to Bittu (petitioner) who was married from before.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the victim has come back and her statement was recorded under Section 164 Cr.P.C. wherein she has stated that she has married one Kunkun Yadav and intends to stay with him. The learned counsel submits that this perhaps explains why the FIR came to be instituted after a delay of 50 days as the informant was aware that the victim has married Kunkun Yadav, but falsely implicated the petitioner. It is also submitted that petitioner will not abscond rather will co-operate in the trial to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, be



released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 946 of 2023.

7. Accordingly, the instant regular bail application stands allowed.

(Satyavrat Verma, J)

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