

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49000 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Akash Kharwar @ Akash Kumar Son of Shiv Shankar Kharwar Village-
Khara Patti, Simari, Ps- Simari, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Bihari Yadav S/o Dev Narayan Yadav R/o Vill - Niranjapur, P.S.-
Buxar (Industrial), District - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 17-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. None appears on behalf of the informant
despite valid service of notice. Perused the case diary.

2. The petitioner seeks bail in connection with
Buxar(Industrial) P.S. Case No. 33 of 2024 instituted for the
offences under Sections 366A of the Indian Penal Code.

3. Prosecution case, in short, is that this petitioner
enticed the daughter of the informant and fled away with her
with intention to marry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that Section 164 Cr.P.C.



statement of the victim has no ingredient of Section 366A of the Indian Penal Code. Learned counsel further submitted that petitioner and the victim were in love with each other and the victim left her home on her own sweet will and the allegations levelled in the FIR are false and concocted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.02.2024 and has two criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, Section 164 CrPC statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar(Industrial) P.S. Case No. 33 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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