

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65721 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

1. NANDLAL YADAV S/o Late Bandhu Yadav VILLAGE KURUWASOT ,
P.S. ADHAURA , DISTRICT KAIMUR AT BHABUA
2. Manish Yadav Son of Late Bandhu Yadav VILLAGE KURUWASOT , P.S.
ADHAURA , DISTRICT KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-02-2024

Heard the parties.

2. Earlier the anticipatory bail application of petitioner no. 2, Manish yadav was allowed on 19.10.2023 and this anticipatory bail is respected to petitioner no. 1, Nand Lal Yadav.

3. The petitioner no. 1 is apprehending his arrest in connection with Adhoura P.S. Case No. 55 of 2023 for the offence under section 366(A) of the I.P.C. lodged on 22.11.2022 by the informant, Raj Kumar Yadav.

4. As per the prosecution story, the allegation is of taking away the informant's daughter by petitioner no. 1 which followed the lodging of the case. Accordingly, the FIR.



5. On 19.10.2023 itself, a co-ordinate Bench wanted the girl to record her statement and in that view of the matter, today, her statement under section 164 Cr.P.C. which was recorded on 03.11.2023 is available. As per it, the girl has given her age to be twenty years and she has narrated that on her own, she went to Gujarat, worked there for sometime and then, married this petitioner. She has further stated that she don't want to go with her parents rather to stay with her husband, the petitioner no. 1.

6. Considering the statement made by the girl who is major as per her statement under section 164 of the Cr.P.C., this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner no. 1 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 Judicial Magistrate-1st, Kaimur at Bhabua, in connection with Adhaura P.S. Case No. 55 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 of



the petitioner no. 1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 1 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 no. 1 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 no. 1 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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