

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4023 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- SAKATPUR District- Darbhanga

Manoj Yadav Binde Yadav @ Vinde Yadav Village- Tardih, PS- Sakatpur,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sakatpur P.S. Case No. 52 of 2023 for the offence registered under sections 363, 366(A), 34 of the Indian Penal Code lodged on 16.06.2023 by the informant, Hareram Yadav.

3. As per the prosecution story, the allegation is that when there was a ceremony relating to marriage of elder daughter of the complainant, the victim girl was forcefully taken away by Jitendra Yadav. The allegation against this petitioner is that he had called the victim girl. Further, upon confrontation, the father of Jitendra Yadav assured that the girl would return but as it didn't happen the complaint. It is unbelievable that in a marriage function, the younger sister disappeared and even then,



they delayed in lodging the case.

4. Learned Counsel for the petitioner submits that allegation of taking away the victim girl is on Jitendra Yadav who is his younger brother, had no role to play in the matter but only because he belong to the family he has been dragged in.

5. Learned APP for the State opposes the prayer for anticipatory bail stating that allegation is that he called the girl.

6. Taking into account the aforesaid facts that main allegation of taking away the victim girl is on Jitendra Yadav. The petitioner is the elder brother do not have criminal antecedent and will be ultimately facing the trial.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., Darbhanga in connection with Sakatpur P.S. Case No. 52 of 2023 subject to condition 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, who shall provide official document to show his *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 the bail bonds.

(Rajiv Roy, J)

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