

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75555 of 2024

Arising Out of PS. Case No.-465 Year-2024 Thana- ARA NAWADA District- Bhojpur

Rekha Devi @Rekha Kumari D/O Vimal Prasad Resident of Village-
Kakandihra, P.S. Pawna, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Yadav S/O Maina Yadav R/O Muhalla - East Nawada, Rassibagan,
P.S. Nawada, Dist. - Bhojpur (Ara)
3. Priyanka Kumari D/O Sunil Prasad R/O Village - Kakandihra P.s. - Pawna
Dist. -Bhojpur (Ara)

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate.
For the State : Mr. Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Ara-Nawada P.S. Case No. 465 of 2024
dated 29.06.2024 registered for the offences punishable under
Sections 363 and 366 of the Indian Penal Code.

3. As per allegation, the daughter of the informant was
enticed away by the petitioner and co-accused who is brother of
the petitioner.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. In fact, there was love affair between the brother of the petitioner and the alleged victim who was 19 years of age and they have entered into marriage and she is living in her matrimonial home. He refers to the statement of the alleged victim recorded under Section 164 Cr.PC wherein she has clearly stated that she has entered into marriage with the brother of the petitioner and she wanted to live with him and presently as per learned counsel for the petitioner, she is living with him also. He further submits that similarly situated co-accused Sunil Kumar @ Sunil Prasad who is brother of the petitioner has already been enlarged on anticipatory bail by this Court vide order dated 23.10.2024 passed in Cr. Misc. 71855 of 2024

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has got no criminal antecedent.

7. However, learned APP for the State fairly concedes that as per the facts and circumstances of the case no case is made out because this is a case of marriage and she is living with the petitioner.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Ara-Nawada P.S. Case No. 465 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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