

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89343 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- ARA NAGAR District- Bhojpur

Awadesh Yadav S/o Late Banshi Yadav R/o Village- Babhangavan, P.S.-
Barhara (Krishnagarh), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dipa Kumari D/o Late Narayan Yadav R/o Moti Tola, P.S.- Ara Nagar, Dist.-
Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Ara Nagar P.S. Case No. 278 of 2023, registered for the
offences punishable under Sections 366, 376 and 120(B) of the
Indian Penal Code.

3. Based upon the complaint, the FIR has been
registered with an allegation that all the accused persons,
including the petitioner, are distant relative of the complainant.
On the pretext of extending help to the ailing mother, co-
accused Nabab Yadav, who happens to be son of the petitioner,
has take away the complainant to New Delhi and where she kept
confined in a room. In course of time, the co-accused Nabab



Yadav established physical relationship and later on, refused to solemnize marriage. When the complainant disclosed the entire facts to the petitioner and others, they abused and refused to solemnize marriage.

4. Learned Advocate for the petitioner drawing the attention of this Court to the complaint petition, which is the very basis of the FIR, contended that the entire allegation revolves around the son of the petitioner, Nabab Yadav. During the course of investigation, it has come that the complainant and co-accused Nabab Yadav had been in love and they have voluntarily left their home and started residing in New Delhi. Both the parties are major and in the entire episode, the complicity of the petitioner has not come, save and except, he refused to solemnize marriage. It is also contended that the alleged incidence had started on 30.10.2021, whereas, the complaint has instituted on 07.06.2022 and on being sent to the concerned Police Station under Section 156(3) of the Cr.P.C., FIR has been instituted on 07.04.2023. The petitioner has absolutely fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court. It is lastly contended that, be that as it may, no case under Section 366, 376 and 120(B) of the Indian Penal Code is made out against the petitioner.



5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that serious allegation has been levelled against the petitioner and his son, on account of their illegal act, the life of the victim got ruined.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, which revolves around the son of the petitioner and there is delay in lodging of the FIR, coupled with the fact that *prima facie*, the relationship between the victim and co-accused Nabab Yadav appears to be consensual, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 278 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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