

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29480 of 2015

Arising Out of PS.Case No. -153 Year- 2014 Thana -KAMTAUL District- DARBHANGA

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1. BHOGENDRA YADAV @ BHOGRANDRA YADAV Son of Bilash
Yadav resident of village- Dhadiya, P.S. Kamtaul , District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Ajay Kr. 1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 07-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kamtaul
P.S. Case No. 153 of 2014 registered for the offence punishable
under Section 366A/34 of the Indian Penal Code.

Allegedly Ruby Kumari aged about 10 years, daughter
of the informant became traceless and on enquiry the informant
came to know that the petitioner has kidnapped her.

Submission is of false implication and that the victim
has been examined under Section 164 Cr.P.C. wherein she has not
supported the allegation of kidnapping rather she has stated that
she went with the petitioner out of her own sweet will and further
she has also not stated regarding any overt act committed against

her.

The learned A.P.P. fairly submits that the victim has not supported the allegation of kidnapping in her statement recorded under Section 164 Cr.P.C.

In the facts and circumstances stated above, considering that the petitioner is in custody since 03.01.2015, chargesheet has already been submitted and victim is not supporting the allegation of kidnapping and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st class, Darbhanga arising out of Kamtaul P.S. Case No. 153 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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