

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32506 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -BRAHMPUR District- BUXAR

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1. Rajesh Yadav S/o Hari Ram Yadav, R/o Village Dhamwal, P.S. -
Saupur, District - Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. G.S.Gupta(App)

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

5 11-12-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 363, 366A and 376 of the I.P.C and
section 4 of the POCSO Act.

Allegedly, the married daughter of the informant was
kidnapped by the petitioner and during investigation the victim
girl recorded her statement under section 164 Cr.P.C. wherein she
has not stated anything against the petitioner.

Submission is of false implication and that the victim
girl is major one and she has stated her age before the Notary
Public, Ara as 19 years. She out of her own free will called the
petitioner and went with him and as such the petitioner who is

suffering in custody since 17.04.2015 deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail but fairly submits that the victim in her earlier statement recorded in paragraph-25 of the case diary and further in her statement recorded under section 164 Cr.P.C has not stated anything against the petitioner rather she has stated that she went out of her own sweet will and she is married one.

In the facts and circumstances as stated above, considering the earlier statement of the victim and further recorded under section 164 Cr.P.C. the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Buxar in Brahmpur P.S. Case No. 89 of 2015, subject to the conditions that one of the bailors must be a 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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