

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32968 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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Lalan Yadav Son of Janak Yadav, Resident of Village - Laukaria, P.S. -
Yagapatti, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 376 of the Indian Penal Code and Section 4 of POSCO
Act.

Allegation against the petitioner is that daughter of the
informant had gone with him and thereafter, she is traceless.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. He is in custody since 2. 2. 2015.
Chargesheet has been submitted in this case. No material is there
to suggest that petitioner is tampering with the evidence. The date
of occurrence is 26.1.2015 and F.I.R. has been instituted on
29.1.2015. There is no explanation on behalf of the prosecution in
respect to the delay in lodging the case. The victim has been
examined under Section 164 of the Code of Criminal Procedure in
which she has named this petitioner but the same does not tally
with the medical report which is para-66 of the case diary. No sign
of rape has been found by the doctor. The victim's age has been

assessed 17-18 years. Other independent witnesses in paras-6, 7, 8 and 9 of the case diary have stated that the victim has eloped for the purpose of marriage.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Ist Addl. Sessions Judge cum Special Judge, Bagaha, West Champaran, in connection with POSCO Case no.16 of 2015 arising out of Chautarwa P. S. Case no. 30 of 2015.

(Sudhir Singh, J)

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