

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14278 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -AMBA District- AURANGABAD

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Yogendra Singh @ Yogendar Singh S/o Late Sheonandan Singh R/o
village - Balia, P.S. Amba, District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 07-04-2016

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
366A/34 of the Indian Penal Code. Subsequently sections
376(D), 174A of the IPC and 4 of The Protection of Children
from Sexual Offences Act were also added.

The prosecution case is abducting the
minor daughter of the informant by five accused persons
including the petitioner for the purposes of the marriage.

It is submitted by learned counsel for the
petitioner that in 164 Cr.P.C. statement the victim has got her
age recorded as 17 years when the court has assessed as such,



though, as per medical opinion she was found between 16-17 years. She has stated that she was abducted by co-accused Deepak Kumar, Rahul and Sonal, who relieved the victim after three days, though, the victim has not alleged anything against the petitioner. It is further submitted that, though, she has stated that this petitioner is the father of one of the accused Deepak and on conclusion of the investigation the petitioner was not sent up for trial, but differing with the final form cognizance has been taken against the petitioner. The petitioner is accused in two other cases in which he is on bail.

It is submitted by learned counsel for the informant that during investigation material was collected against the petitioner and the learned Magistrate differing with the final form has taken cognizance against the petitioner.

Considering the thrust of accusation against three above named co-accused persons and the victim has not alleged anything against the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act –

cum- Additional Sessions Judge-I, Aurangabad in connection with Amba P.S. Case No. 40 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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