

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50091 of 2016

Arising Out of PS.Case No. -202 Year- 2016 Thana -BARACHATTI District- GAYA

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Vidhayak Yadav @ Kumar Vidhayak Yadav @ Bidhayak Yadav Kumar,
son of Balchand Yadav, Resident of village Khagadahi, P.S. Barachatti,
District – Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate
Mrs. Shally Kumari, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.06.2016 in connection with Barachatti P.S. Case No. 202 of
2016 registered for the offence punishable under Sections 366
and 494/34 of the Indian Penal Code.

The prosecution case is that on 08.06.2016 at
about 9:00 A.M. informant's daughter had gone to Sobh Bazar
for sewing training, but did not return. Thereafter, informant
started searching her daughter, but she could not be traced. On
09.06.2016, informant came to know that petitioner kidnapped
her daughter for the purpose of marriage and other family
members had also supported the petitioner in the alleged

kidnapping.

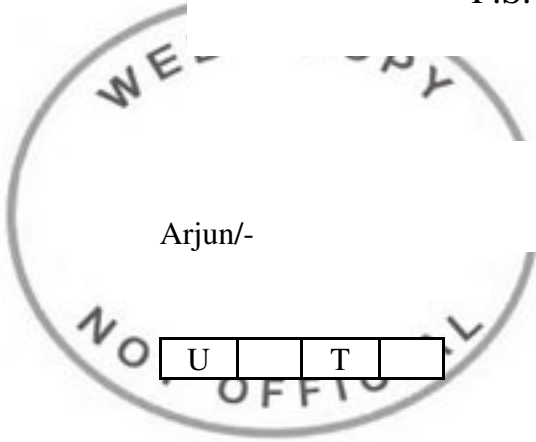
It has been submitted by the learned counsel for the petitioner that the age of the victim girl, Renu Kumari has been assessed as 21 years by the learned Magistrate in her statement under Section 164 of the Cr.P.C. in which she has stated that she was earlier married to someone else, but because of love affairs with petitioner, she ran away with him. It has also been submitted that the police although after investigation submitted charge-sheet under the POCSO Act, but as per the medical report, she is aged between 18 – 19 years. He submits that petitioner has got no criminal antecedent and the victim girl has gone with the petitioner out of her own will, hence, allegations levelled against him are false.

Learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial



Magistrate, Sherghati (Gaya) in connection with Barachatti
P.S. Case No. 202 of 2016.



(Nilu Agrawal, J.)